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SENATE BILL NO. 783

Offered January 9, 2013

Prefiled December 18, 2012

A *BILL to amend and reenact § 54.1-2900 of the Code of Virginia, relating to the definition of birth control.*

Patrons—McEachin; Delegate: Surovell

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2900 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2900. Definitions.

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

"Acupuncturist" means individuals approved by the Board to practice acupuncture. This is limited to "licensed acupuncturist" which means an individual other than a doctor of medicine, osteopathy, chiropractic or podiatry who has successfully completed the requirements for licensure established by the Board (approved titles are limited to: Licensed Acupuncturist, Lic.Ac., and L.Ac.).

"Auricular acupuncture" means the subcutaneous insertion of sterile, disposable acupuncture needles in predetermined, bilateral locations in the outer ear when used exclusively and specifically in the context of a chemical dependency treatment program.

"Birth control" means contraceptive methods that are approved by the U.S. Food and Drug Administration. Birth control shall not be considered abortion for the purposes of Title 18.2.

"Board" means the Board of Medicine.

"Healing arts" means the arts and sciences dealing with the prevention, diagnosis, treatment and cure or alleviation of human physical or mental ailments, conditions, diseases, pain or infirmities.

"Medical malpractice judgment" means any final order of any court entering judgment against a licensee of the Board that arises out of any tort action or breach of contract action for personal injuries or wrongful death, based on health care or professional services rendered, or that should have been rendered, by a health care provider, to a patient.

"Medical malpractice settlement" means any written agreement and release entered into by or on behalf of a licensee of the Board in response to a written claim for money damages that arises out of any personal injuries or wrongful death, based on health care or professional services rendered, or that should have been rendered, by a health care provider, to a patient.

"Nurse practitioner" means an advanced practice registered nurse who is jointly licensed by the Boards of Medicine and Nursing pursuant to § 54.1-2957.

"Occupational therapy assistant" means an individual who has met the requirements of the Board for licensure and who works under the supervision of a licensed occupational therapist to assist in the practice of occupational therapy.

"Patient care team" means a multidisciplinary team of health care providers actively functioning as a unit with the management and leadership of one or more patient care team physicians for the purpose of providing and delivering health care to a patient or group of patients.

"Patient care team physician" means a physician who is actively licensed to practice medicine in the Commonwealth, who regularly practices medicine in the Commonwealth, and who provides management and leadership in the care of patients as part of a patient care team.

"Physician assistant" means an individual who has met the requirements of the Board for licensure and who works under the supervision of a licensed doctor of medicine, osteopathy, or podiatry.

"Practice of acupuncture" means the stimulation of certain points on or near the surface of the body by the insertion of needles to prevent or modify the perception of pain or to normalize physiological functions, including pain control, for the treatment of certain ailments or conditions of the body and includes the techniques of electroacupuncture, cupping and moxibustion. The practice of acupuncture does not include the use of physical therapy, chiropractic, or osteopathic manipulative techniques; the use or prescribing of any drugs, medications, serums or vaccines; or the procedure of auricular acupuncture as exempted in § 54.1-2901 when used in the context of a chemical dependency treatment program for patients eligible for federal, state or local public funds by an employee of the program who is trained and approved by the National Acupuncture Detoxification Association or an equivalent certifying body.

"Practice of athletic training" means the prevention, recognition, evaluation, and treatment of injuries or conditions related to athletic or recreational activity that requires physical skill and utilizes strength,

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59 power, endurance, speed, flexibility, range of motion or agility or a substantially similar injury or
60 condition resulting from occupational activity immediately upon the onset of such injury or condition;
61 and subsequent treatment and rehabilitation of such injuries or conditions under the direction of the
62 patient's physician or under the direction of any doctor of medicine, osteopathy, chiropractic, podiatry, or
63 dentistry, while using heat, light, sound, cold, electricity, exercise or mechanical or other devices.

64 "Practice of behavior analysis" means the design, implementation, and evaluation of environmental
65 modifications, using behavioral stimuli and consequences, to produce socially significant improvement in
66 human behavior, including the use of direct observation, measurement, and functional analysis of the
67 relationship between environment and behavior.

68 "Practice of chiropractic" means the adjustment of the 24 movable vertebrae of the spinal column,
69 and assisting nature for the purpose of normalizing the transmission of nerve energy, but does not
70 include the use of surgery, obstetrics, osteopathy or the administration or prescribing of any drugs,
71 medicines, serums or vaccines.

72 "Practice of medicine or osteopathic medicine" means the prevention, diagnosis and treatment of
73 human physical or mental ailments, conditions, diseases, pain or infirmities by any means or method.

74 "Practice of occupational therapy" means the therapeutic use of occupations for habilitation and
75 rehabilitation to enhance physical health, mental health, and cognitive functioning and includes the
76 evaluation, analysis, assessment, and delivery of education and training in basic and instrumental
77 activities of daily living; the design, fabrication, and application of orthoses (splints); the design,
78 selection, and use of adaptive equipment and assistive technologies; therapeutic activities to enhance
79 functional performance; vocational evaluation and training; and consultation concerning the adaptation of
80 physical, sensory, and social environments.

81 "Practice of podiatry" means the prevention, diagnosis, treatment, and cure or alleviation of physical
82 conditions, diseases, pain, or infirmities of the human foot and ankle, including the medical, mechanical
83 and surgical treatment of the ailments of the human foot and ankle, but does not include amputation of
84 the foot proximal to the transmetatarsal level through the metatarsal shafts. Amputations proximal to the
85 metatarsal-phalangeal joints may only be performed in a hospital or ambulatory surgery facility
86 accredited by an organization listed in § 54.1-2939. The practice includes the diagnosis and treatment of
87 lower extremity ulcers; however, the treatment of severe lower extremity ulcers proximal to the foot and
88 ankle may only be performed by appropriately trained, credentialed podiatrists in an approved hospital
89 or ambulatory surgery center at which the podiatrist has privileges, as described in § 54.1-2939. The
90 Board of Medicine shall determine whether a specific type of treatment of the foot and ankle is within
91 the scope of practice of podiatry.

92 "Practice of radiologic technology" means the application of x-rays to human beings for diagnostic or
93 therapeutic purposes.

94 "Practice of respiratory care" means the (i) administration of pharmacological, diagnostic, and
95 therapeutic agents related to respiratory care procedures necessary to implement a treatment, disease
96 prevention, pulmonary rehabilitative, or diagnostic regimen prescribed by a practitioner of medicine or
97 osteopathic medicine; (ii) transcription and implementation of the written or verbal orders of a
98 practitioner of medicine or osteopathic medicine pertaining to the practice of respiratory care; (iii)
99 observation and monitoring of signs and symptoms, general behavior, general physical response to
100 respiratory care treatment and diagnostic testing, including determination of whether such signs,
101 symptoms, reactions, behavior or general physical response exhibit abnormal characteristics; and (iv)
102 implementation of respiratory care procedures, based on observed abnormalities, or appropriate reporting,
103 referral, respiratory care protocols or changes in treatment pursuant to the written or verbal orders by a
104 licensed practitioner of medicine or osteopathic medicine or the initiation of emergency procedures,
105 pursuant to the Board's regulations or as otherwise authorized by law. The practice of respiratory care
106 may be performed in any clinic, hospital, skilled nursing facility, private dwelling or other place deemed
107 appropriate by the Board in accordance with the written or verbal order of a practitioner of medicine or
108 osteopathic medicine, and shall be performed under qualified medical direction.

109 "Qualified medical direction" means, in the context of the practice of respiratory care, having readily
110 accessible to the respiratory care practitioner a licensed practitioner of medicine or osteopathic medicine
111 who has specialty training or experience in the management of acute and chronic respiratory disorders
112 and who is responsible for the quality, safety, and appropriateness of the respiratory services provided
113 by the respiratory care practitioner.

114 "Radiologic technologist" means an individual, other than a licensed doctor of medicine, osteopathy,
115 podiatry, or chiropractic, or a dentist licensed pursuant to Chapter 27 (§ 54.1-2700 et seq.), who (i)
116 performs, may be called upon to perform, or who is licensed to perform a comprehensive scope of
117 diagnostic radiologic procedures employing equipment which emits ionizing radiation and (ii) is
118 delegated or exercises responsibility for the operation of radiation-generating equipment, the shielding of
119 patient and staff from unnecessary radiation, the appropriate exposure of radiographs or other procedures
120 which contribute to any significant extent to the site or dosage of ionizing radiation to which a patient is

121 exposed.

122 "Radiologic technologist, limited" means an individual, other than a licensed radiologic technologist,
123 dental hygienist or person who is otherwise authorized by the Board of Dentistry under Chapter 27
124 (§ 54.1-2700 et seq.) and the regulations pursuant thereto, who performs diagnostic radiographic
125 procedures employing equipment which emits ionizing radiation which is limited to specific areas of the
126 human body.

127 "Radiologist assistant" means an individual who has met the requirements of the Board for licensure
128 as an advanced-level radiologic technologist and who, under the direct supervision of a licensed doctor
129 of medicine or osteopathy specializing in the field of radiology, is authorized to (i) assess and evaluate
130 the physiological and psychological responsiveness of patients undergoing radiologic procedures; (ii)
131 evaluate image quality, make initial observations, and communicate observations to the supervising
132 radiologist; (iii) administer contrast media or other medications prescribed by the supervising radiologist;
133 and (iv) perform, or assist the supervising radiologist to perform, any other procedure consistent with the
134 guidelines adopted by the American College of Radiology, the American Society of Radiologic
135 Technologists, and the American Registry of Radiologic Technologists.

136 "Respiratory care" means the practice of the allied health profession responsible for the direct and
137 indirect services, including inhalation therapy and respiratory therapy, in the treatment, management,
138 diagnostic testing, control and care of patients with deficiencies and abnormalities associated with the
139 cardiopulmonary system under qualified medical direction.