

17101435D

HOUSE BILL NO. 2042

Offered January 11, 2017

Prefiled January 10, 2017

A *BILL to amend and reenact §§ 54.1-2912.1, as it is currently effective and as it shall become effective, 54.1-3005, 54.1-3474, 54.1-3505.1, 54.1-3606.1, and 54.1-3708 of the Code of Virginia, relating to suicide prevention; continuing education requirements for providers.*

Patron—Murphy

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2912.1, as it is currently effective and as it shall become effective, 54.1-3005, 54.1-3474, 54.1-3505.1, 54.1-3606.1, and 54.1-3708 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-2912.1. (Effective until July 1, 2022) Continued competency and office-based anesthesia requirements.

A. The Board shall prescribe by regulation such requirements as may be necessary to ensure continued practitioner competence, which may include continuing education, testing, or any other requirement.

B. In promulgating such regulations, the Board shall consider (i) the need to promote ethical practice, (ii) an appropriate standard of care, (iii) patient safety, (iv) application of new medical technology, (v) appropriate communication with patients, and (vi) knowledge of the changing health care system. *Such regulations shall include a requirement for continuing education on suicide assessment, treatment, and management for all licensed doctors of medicine, osteopathy, and chiropractic medicine; licensed physician assistants; licensed nurse practitioners; and licensed occupational therapists.*

C. The Board shall require prescribers identified by the Director of the Department of Health Professions pursuant to subdivision C 10 of § 54.1-2523 to complete two hours of continuing education in each biennium on topics related to pain management, the responsible prescribing of covered substances as defined in § 54.1-2519, and the diagnosis and management of addiction. Prescribers required to complete continuing education pursuant to this subsection shall be notified of such requirement no later than January 1 of each odd-numbered year.

D. The Board may approve persons who provide or accredit such programs in order to accomplish the purposes of this section.

E. Pursuant to § 54.1-2400 and its authority to establish the qualifications for registration, certification, or licensure that are necessary to ensure competence and integrity to engage in the regulated practice, the Board shall promulgate regulations governing the practice of medicine related to the administration of anesthesia in physicians' offices.

§ 54.1-2912.1. (Effective July 1, 2022) Continued competency and office-based anesthesia requirements.

A. The Board shall prescribe by regulation such requirements as may be necessary to ensure continued practitioner competence which may include continuing education, testing, and/or any other requirement.

B. In promulgating such regulations, the Board shall consider (i) the need to promote ethical practice, (ii) an appropriate standard of care, (iii) patient safety, (iv) application of new medical technology, (v) appropriate communication with patients, and (vi) knowledge of the changing health care system. *Such regulations shall include a requirement for continuing education on suicide assessment, treatment, and management for all licensed doctors of medicine, osteopathy, and chiropractic medicine; licensed physician assistants; licensed nurse practitioners; and licensed occupational therapists.*

C. The Board may approve persons who provide or accredit such programs in order to accomplish the purposes of this section.

D. Pursuant to § 54.1-2400 and its authority to establish the qualifications for registration, certification or licensure that are necessary to ensure competence and integrity to engage in the regulated practice, the Board of Medicine shall promulgate regulations governing the practice of medicine related to the administration of anesthesia in physicians' offices.

§ 54.1-3005. Specific powers and duties of Board.

In addition to the general powers and duties conferred in this title, the Board shall have the following specific powers and duties:

1. To prescribe minimum standards and approve curricula for educational programs preparing persons

INTRODUCED

HB2042

59 for licensure or certification under this chapter;
60 2. To approve programs that meet the requirements of this chapter and of the Board;
61 3. To provide consultation service for educational programs as requested;
62 4. To provide for periodic surveys of educational programs;
63 5. To deny or withdraw approval from educational programs for failure to meet prescribed standards;
64 6. To provide consultation regarding nursing practice for institutions and agencies as requested and
65 investigate illegal nursing practices;
66 7. To keep a record of all its proceedings;
67 8. To certify and maintain a registry of all certified nurse aides and to promulgate regulations
68 consistent with federal law and regulation. The Board shall require all schools to demonstrate their
69 compliance with § 54.1-3006.2 upon application for approval or reapproval, during an on-site visit, or
70 in response to a complaint or a report of noncompliance. The Board may impose a fee pursuant to
71 § 54.1-2401 for any violation thereof. Such regulations may include standards for the authority of
72 licensed practical nurses to teach nurse aides;
73 9. To maintain a registry of clinical nurse specialists and to promulgate regulations governing clinical
74 nurse specialists;
75 10. To license and maintain a registry of all licensed massage therapists and to promulgate
76 regulations governing the criteria for licensure as a massage therapist and the standards of professional
77 conduct for licensed massage therapists;
78 11. To promulgate regulations for the delegation of certain nursing tasks and procedures not
79 involving assessment, evaluation or nursing judgment to an appropriately trained unlicensed person by
80 and under the supervision of a registered nurse, who retains responsibility and accountability for such
81 delegation;
82 12. To develop and revise as may be necessary, in coordination with the Boards of Medicine and
83 Education, guidelines for the training of employees of a school board in the administration of insulin
84 and glucagon for the purpose of assisting with routine insulin injections and providing emergency
85 treatment for life-threatening hypoglycemia. The first set of such guidelines shall be finalized by
86 September 1, 1999, and shall be made available to local school boards for a fee not to exceed the costs
87 of publication;
88 13. To enter into the Nurse Licensure Compact as set forth in this chapter and to promulgate
89 regulations for its implementation;
90 14. To collect, store and make available nursing workforce information regarding the various
91 categories of nurses certified, licensed or registered pursuant to § 54.1-3012.1;
92 15. To expedite application processing, to the extent possible, for an applicant for licensure or
93 certification by the Board upon submission of evidence that the applicant, who is licensed or certified in
94 another state, is relocating to the Commonwealth pursuant to a spouse's official military orders;
95 16. To register medication aides and promulgate regulations governing the criteria for such
96 registration and standards of conduct for medication aides;
97 17. To approve training programs for medication aides to include requirements for instructional
98 personnel, curriculum, continuing education, and a competency evaluation;
99 18. To set guidelines for the collection of data by all approved nursing education programs and to
100 compile this data in an annual report. The data shall include but not be limited to enrollment, graduation
101 rate, attrition rate, and number of qualified applicants who are denied admission;
102 19. To develop, in consultation with the Board of Pharmacy, guidelines for the training of employees
103 of child day programs as defined in § 63.2-100 and regulated by the State Board of Social Services in
104 the administration of prescription drugs as defined in the Drug Control Act (§ 54.1-3400 et seq.). Such
105 training programs shall be taught by a registered nurse, licensed practical nurse, doctor of medicine or
106 osteopathic medicine, or pharmacist;
107 20. In order to protect the privacy and security of health professionals licensed, registered or certified
108 under this chapter, to promulgate regulations permitting use on identification badges of first name and
109 first letter only of last name and appropriate title when practicing in hospital emergency departments, in
110 psychiatric and mental health units and programs, or in health care facility units offering treatment for
111 patients in custody of state or local law-enforcement agencies;
112 21. To revise, as may be necessary, guidelines for seizure management, in coordination with the
113 Board of Medicine, including the list of rescue medications for students with epilepsy and other seizure
114 disorders in the public schools. The revised guidelines shall be finalized and made available to the
115 Board of Education by August 1, 2010. The guidelines shall then be posted on the Department of
116 Education's website; and
117 22. To promulgate, together with the Board of Medicine, regulations governing the licensure of nurse
118 practitioners pursuant to § 54.1-2957; and
119 23. To establish requirements for continuing education on suicide assessment, treatment, and
120 management for all licensed registered nurses and licensed practical nurses.

§ 54.1-3474. Unlawful to practice without license; continuing competency requirements.

A. It shall be unlawful for any person to practice physical therapy or as a physical therapist assistant in the Commonwealth without a valid unrevoked license issued by the Board.

B. The Board shall promulgate regulations establishing requirements to ensure continuing competency of physical therapists and physical therapist assistants, which may include continuing education, testing, or such other requirements as the Board may determine to be necessary. *Such regulations shall include a requirement for continuing education on suicide assessment, treatment, and management for all licensed physical therapists and physical therapist assistants.*

C. In promulgating continuing competency requirements, the Board shall consider (i) the need to promote ethical practice, (ii) an appropriate standard of care, (iii) patient safety, (iv) application of new medical technology, (v) appropriate communication with patients, and (vi) knowledge of the changing health care system.

D. The Board may approve persons who provide or accredit programs to ensure continuing competency.

§ 54.1-3505.1. Continued competency requirements.

The Board shall promulgate regulations establishing requirements for evidence of continued competency as a condition of renewal of a license under the provisions of this chapter. *Such regulations shall include a requirement for at least one hour per year of continuing education on suicide assessment, treatment, and management for all licensed counselors, substance abuse treatment practitioners, and marriage and family therapists.* The Board may approve persons who provide or accredit continuing education programs in order to accomplish the purposes of this section. The Board shall have the authority to grant exemptions or waivers or to reduce the number of continuing education hours required in cases of certified illness or undue hardship.

§ 54.1-3606.1. Continuing education.

A. The Board shall promulgate regulations governing continuing education requirements for psychologists licensed by the Board. Such regulations shall require the completion of the equivalent of 14 hours annually in Board-approved continuing education courses, *including at least one hour of Board-approved continuing education on suicide assessment, treatment, and management*, for any license renewal or reinstatement after the effective date.

B. The Board shall include in its regulations governing continuing education requirements for licensees a provision allowing a licensee who completes continuing education hours in excess of the hours required by subsection A to carry up to seven hours of continuing education credit forward to meet the requirements of subsection A for the next annual renewal cycle.

C. The Board shall approve criteria for continuing education courses that are directly related to the respective license and scope of practice of school psychology, applied psychology and clinical psychology. Approved continuing education courses for clinical psychologists shall emphasize, but not be limited to, the diagnosis, treatment and care of patients with moderate and severe mental disorders. Any licensed hospital, accredited institution of higher education, or national, state or local health, medical, psychological or mental health association or organization may submit applications to the Board for approval as a provider of continuing education courses satisfying the requirements of the Board's regulations. Approved course providers may be required to register continuing education courses with the Board pursuant to Board regulations. Only courses meeting criteria approved by the Board and offered by a Board-approved provider of continuing education courses may be designated by the Board as qualifying for continuing education course credit.

D. All course providers shall furnish written certification to licensed psychologists attending and completing respective courses, indicating the satisfactory completion of an approved continuing education course. Each course provider shall retain records of all persons attending and those persons satisfactorily completing such continuing education courses for a period of four years following each course. Applicants for renewal or reinstatement of licenses issued pursuant to this article shall retain for a period of four years the written certification issued by any course provider. The Board may require course providers or licensees to submit copies of such records or certification, as it deems necessary to ensure compliance with continuing education requirements.

E. The Board shall have the authority to grant exemptions or waivers or to reduce the number of continuing education hours required in cases of certified illness or undue hardship.

§ 54.1-3708. Continuing education requirements.

The Board shall establish in regulations requirements for the continuing education of licensed social workers. *Such regulations shall include a requirement for at least one hour per year of continuing education on suicide assessment, treatment, and management for all licensed social workers.*

The Board may approve persons who provide continuing education or accredit continuing education programs in order to accomplish the purposes of this section.