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**SENATE BILL NO. 1327**

Offered January 11, 2017

Prefiled January 10, 2017

A *BILL to amend and reenact §§ 54.1-2900, 54.1-2902, 54.1-2903, 54.1-2910.01, 54.1-2910.1, 54.1-2913.1, 54.1-2926, 54.1-2929 through 54.1-2932, 54.1-2941, and 54.1-2962 of the Code of Virginia and to amend the Code of Virginia by adding in Article 3 of Chapter 29 of Title 54.1 a section numbered 54.1-2941.1, relating to licensure of doctors of medical science.*

Patron—Carrico

Referred to Committee on Education and Health

**Be it enacted by the General Assembly of Virginia:**

1. That §§ 54.1-2900, 54.1-2902, 54.1-2903, 54.1-2910.01, 54.1-2910.1, 54.1-2913.1, 54.1-2926, 54.1-2929 through 54.1-2932, 54.1-2941, and 54.1-2962 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 3 of Chapter 29 of Title 54.1 a section numbered 54.1-2941.1 as follows:

**§ 54.1-2900. Definitions.**

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

"Acupuncturist" means an individual 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.

"Board" means the Board of Medicine.

"Certified nurse midwife" means an advanced practice registered nurse who is certified in the specialty of nurse midwifery and who is jointly licensed by the Boards of Medicine and Nursing as a nurse practitioner pursuant to § 54.1-2957.

"Certified registered nurse anesthetist" means an advanced practice registered nurse who is certified in the specialty of nurse anesthesia, who is jointly licensed by the Boards of Medicine and Nursing as a nurse practitioner pursuant to § 54.1-2957, and who practices under the supervision of a doctor of medicine, osteopathy, podiatry, or dentistry but is not subject to the practice agreement requirement described in § 54.1-2957.

"Doctor of medical science" means a person who has met the requirements of the Board for licensure to practice medical science.

"Genetic counselor" means a person licensed by the Board to engage in the practice of genetic counseling.

"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

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59 and leadership in the care of patients as part of a patient care team.

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

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

72 "Practice of athletic training" means the prevention, recognition, evaluation, and treatment of injuries  
73 or conditions related to athletic or recreational activity that requires physical skill and utilizes strength,  
74 power, endurance, speed, flexibility, range of motion or agility or a substantially similar injury or  
75 condition resulting from occupational activity immediately upon the onset of such injury or condition;  
76 and subsequent treatment and rehabilitation of such injuries or conditions under the direction of the  
77 patient's physician or under the direction of any doctor of medicine, osteopathy, chiropractic, podiatry, or  
78 dentistry, while using heat, light, sound, cold, electricity, exercise or mechanical or other devices.

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

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

87 "Practice of genetic counseling" means (i) obtaining and evaluating individual and family medical  
88 histories to assess the risk of genetic medical conditions and diseases in a patient, his offspring, and  
89 other family members; (ii) discussing the features, history, diagnosis, environmental factors, and risk  
90 management of genetic medical conditions and diseases; (iii) ordering genetic laboratory tests and other  
91 diagnostic studies necessary for genetic assessment; (iv) integrating the results with personal and family  
92 medical history to assess and communicate risk factors for genetic medical conditions and diseases; (v)  
93 evaluating the patient's and family's responses to the medical condition or risk of recurrence and  
94 providing client-centered counseling and anticipatory guidance; (vi) identifying and utilizing community  
95 resources that provide medical, educational, financial, and psychosocial support and advocacy; and (vii)  
96 providing written documentation of medical, genetic, and counseling information for families and health  
97 care professionals.

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

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

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

118 "Practice of radiologic technology" means the application of ionizing radiation to human beings for  
119 diagnostic or therapeutic purposes.

120 "Practice of respiratory care" means the (i) administration of pharmacological, diagnostic, and

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

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

"Radiologic technologist" means an individual, other than a licensed doctor of medicine, osteopathy, podiatry, or chiropractic or a dentist licensed pursuant to Chapter 27 (§ 54.1-2700 et seq.), who (i) performs, may be called upon to perform, or is licensed to perform a comprehensive scope of diagnostic or therapeutic radiologic procedures employing ionizing radiation and (ii) is delegated or exercises responsibility for the operation of radiation-generating equipment, the shielding of patient and staff from unnecessary radiation, the appropriate exposure of radiographs, the administration of radioactive chemical compounds under the direction of an authorized user as specified by regulations of the Department of Health, or other procedures that contribute to any significant extent to the site or dosage of ionizing radiation to which a patient is exposed.

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

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

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

**§ 54.1-2902. Unlawful to practice without license.**

It shall be unlawful for any person to practice medicine, osteopathic medicine, *medical science*, chiropractic, podiatry, or as a physician's or podiatrist's assistant in the Commonwealth without a valid unrevoked license issued by the Board of Medicine.

**§ 54.1-2903. What constitutes practice.**

Any person shall be regarded as practicing the healing arts who actually engages in such practice as defined in this chapter, or who opens an office for such purpose, or who advertises or announces to the public in any manner a readiness to practice or who uses in connection with his name the words or letters "Doctor," "Dr.," "M.D.," "D.O.," "D.M.S.," "D.P.M.," "D.C.," "Healer," or any other title, word, letter or designation intending to designate or imply that he is a practitioner of the healing arts or that he is able to heal, cure or relieve those suffering from any injury, deformity or disease. No person regulated under this chapter shall use the title "Doctor" or the abbreviation "Dr." in writing or in advertising in connection with his practice unless he simultaneously uses a clarifying title, initials, abbreviation or designation or language that identifies the type of practice for which he is licensed.

Signing a birth or death certificate, or signing any statement certifying that the person so signing has

rendered professional service to the sick or injured, or signing or issuing a prescription for drugs or other remedial agents, shall be prima facie evidence that the person signing or issuing such writing is practicing the healing arts within the meaning of this chapter except where persons other than physicians are required to sign birth certificates.

**§ 54.1-2910.01. Practitioner information provided to patients.**

Upon request by a patient, doctors of medicine, osteopathy, *medical science*, and podiatry shall inform the patient about the following:

1. Procedures to access information on the doctor compiled by the Board of Medicine pursuant to § 54.1-2910.1; and

2. If the patient is not covered by a health insurance plan that the doctor accepts or a managed care health insurance plan in which the doctor participates, the patient may be subject to the doctor's full charge which may be greater than the health plan's allowable charge.

**§ 54.1-2910.1. Certain data required.**

A. The Board of Medicine shall require all doctors of medicine, osteopathy, *medical science*, and podiatry to report and shall make available the following information:

1. The names of the schools of medicine, osteopathy, *medical science*, or podiatry and the years of graduation;

2. Any graduate medical, osteopathic, *medical science*, or podiatric education at any institution approved by the Accreditation Council for ~~Graduation~~ Graduate Medical Education, the American Osteopathic Association, or the Council on Podiatric Medical Education;

3. Any specialty board certification as approved by the American Board of Medical Specialties, the Bureau of Osteopathic Specialists of the American Osteopathic Association, the American Board of Multiple Specialties in Podiatry, or the Council on Podiatric Medical Education of the American Podiatric Medical Association;

4. The number of years in active, clinical practice as specified by regulations of the Board;

5. Any hospital affiliations;

6. Any appointments, within the most recent 10-year period, of the doctor to the faculty of a school of medicine, osteopathy, *medical science*, or podiatry and any publications in peer-reviewed literature within the most recent five-year period and as specified by regulations of the Board;

7. The location and telephone number of any primary and secondary practice settings and the approximate percentage of the doctor's time spent practicing in each setting. For the sole purpose of expedited dissemination of information about a public health emergency, the doctor shall also provide to the Board any e-mail address or facsimile number; however, such e-mail address or facsimile number shall not be published on the profile database and shall not be released or made available for any other purpose;

8. The access to any translating service provided to the primary and secondary practice settings of the doctor;

9. The status of the doctor's participation in the Virginia Medicaid Program;

10. Any final disciplinary or other action required to be reported to the Board by health care institutions, other practitioners, insurance companies, health maintenance organizations, and professional organizations pursuant to §§ 54.1-2400.6, 54.1-2908, and 54.1-2909 that results in a suspension or revocation of privileges or the termination of employment or a final order of the Board relating to disciplinary action;

11. Conviction of any felony; and

12. Other information related to the competency of doctors of medicine, osteopathy, *medical science*, and podiatry, as specified in the regulations of the Board.

B. In addition, the Board shall provide for voluntary reporting of insurance plans accepted and managed care plans in which the doctor participates.

C. The Board shall promulgate regulations to implement the provisions of this section, including, but not limited to, the release, upon request from a consumer, of such information relating to a specific doctor. The Board's regulations shall provide for reports to include all medical malpractice judgments and medical malpractice settlements of more than \$10,000 within the most recent 10-year period in categories indicating the level of significance of each award or settlement; however, the specific numeric values of reported paid claims shall not be released in any individually identifiable manner under any circumstances. Notwithstanding this subsection, a licensee shall report a medical malpractice judgment or medical malpractice settlement of less than \$10,000 if any other medical malpractice judgment or medical malpractice settlement has been paid by or for the licensee within the preceding 12 months.

D. This section shall not apply to any person licensed pursuant to §§ 54.1-2928.1, 54.1-2933.1, 54.1-2936, and 54.1-2937 or to any person holding an inactive license to practice medicine, osteopathy, *medical science*, or podiatry.

**§ 54.1-2913.1. Acceptance of other examinations.**

The Board shall promulgate regulations governing examinations for each branch of the healing arts.

In lieu of any or all parts of the examinations prescribed by the Board for a license to practice medicine, osteopathy, *medical science*, podiatry, or chiropractic, the Board may:

1. Accept a certificate issued by either the National Board for the appropriate branch of the healing arts or a state board prior to 1970 attesting the satisfactory completion of an examination given by that board if, in the opinion of the Board, the substituted examination material is substantially equivalent to the material for which it is substituted, and the passing grades are in each instance the equivalent of the grades required to be made on the corresponding examinations administered by the Board.

2. Accept a certificate issued by a state board during or after 1970 attesting to the applicant's satisfactory completion of all requirements to practice medicine, osteopathy, *medical science*, podiatry, or chiropractic in that state, if the applicant has a current and unrestricted license to practice in another state and a current specialty certificate acceptable to the Board.

**§ 54.1-2926. Powers of Board with respect to practitioners licensed to practice pharmacy.**

The Board of Medicine shall have, with respect to practitioners of medicine, homeopathy, osteopathy, *medical science*, or podiatry, the same powers conferred upon the Board of Pharmacy with respect to pharmacists, to revoke or suspend the license to dispense drugs issued under § 54.1-3304 or § 54.1-3304.1 or to prescribe the medicines to be possessed or dispensed by such practitioner. The Board of Medicine shall promptly report any such action taken to the Board of Pharmacy, and the revoked license shall not be reissued nor shall the person be licensed anew, except upon recommendation of the Board of Medicine.

**§ 54.1-2929. Licenses required.**

No person shall practice or hold himself out as qualified to practice medicine, osteopathy, *medical science*, chiropractic, or podiatry without obtaining a license from the Board of Medicine as provided in this chapter.

**§ 54.1-2930. Requirements for licensure.**

A. The Board may issue a license to practice medicine, osteopathy, chiropractic, and podiatric medicine to any candidate who has submitted satisfactory evidence verified by affidavits that he:

1. Is 18 years of age or more;
2. Is of good moral character;
3. Has successfully completed all or such part as may be prescribed by the Board, of an educational course of study of that branch of the healing arts in which he desires a license to practice, which course of study and the educational institution providing that course of study are acceptable to the Board; and
4. Has completed at least 12 months of satisfactory postgraduate training in one program or institution approved by an accrediting agency recognized by the Board for internships or residency training. At the discretion of the Board, the postgraduate training may be waived if an applicant for licensure in podiatry has been in active practice for four continuous years while serving in the military and is a diplomate of the American Board of Podiatric Surgery. Applicants for licensure in chiropractic need not fulfill this requirement.

B. In determining whether such course of study and institution are acceptable to it *in accordance with the requirements of subdivision A 3*, the Board may consider the reputation of the institution and whether it is approved or accredited by regional or national educational or professional associations including, but not limited to, such organizations as the Accreditation Council for Graduate Medical Education, Liaison Committee on Medical Education, Council on Postgraduate Training of the American Osteopathic Association, Council on Osteopathic College Accreditation, College of Family Physicians of Canada, Committee for the Accreditation of Canadian Medical Schools, Education Commission on Foreign Medical Graduates, Royal College of Physicians and Surgeons of Canada, or their appropriate subsidiary agencies; by any appropriate agency of the United States government; or by any other organization approved by the Board. Supervised clinical training that is received in the United States as part of the curriculum of an international medical school shall be obtained in an approved hospital, institution or school of medicine offering an approved residency program in the specialty area for the relevant clinical training or in a program acceptable to the Board and deemed a substantially equivalent experience. The Board may also consider any other factors that reflect whether that institution and its course of instruction provide training sufficient to prepare practitioners to practice their branch of the healing arts with competency and safety in the Commonwealth.

C. The Board may issue a license to practice *medical science* to any candidate who has submitted satisfactory evidence verified by affidavits that he:

1. Is 18 years of age or more;
2. Is of good moral character;
3. Has previously been licensed in the Commonwealth or another state and has served in clinical practice for at least three years as a physician assistant; and
4. Is a graduate of an accredited Doctor of Medical Science program that included at least two years of didactic training and two years of advanced clinical training.

**§ 54.1-2931. Examinations; passing grade.**

A. The examinations of candidates for licensure to practice medicine and osteopathy shall be those of the National Board of Medical Examiners, the Federation of State Medical Boards, the National Board of Osteopathic Medical Examiners, or such other examinations as determined by the Board. The minimum passing score shall be determined by the Board prior to administration of the examination.

B. The examination of candidates for licensure to practice chiropractic shall include the National Board of Chiropractic Examiners Examinations and such other examinations as determined by the Board. The minimum passing score shall be determined by the Board prior to administration of the examination.

C. The examination of candidates for licensure to practice podiatry shall be the National Board of Podiatric Medical Examiners examinations and such other examinations as determined by the Board. The minimum passing score shall be determined by the Board prior to administration of the examination.

D. *The examination for candidates for licensure to practice medical science shall be the examination for the licensure of doctors of medical science as determined by the Board, which shall, to the extent possible, be equivalent to the examination of the National Board of Medical Examiners, the Federation of State Medical Boards, or the National Board of Osteopathic Medical Examiners required for licensure to practice medicine and osteopathy.*

**§ 54.1-2932. Issuance of licenses to practice.**

Upon completion of an application satisfactory to the Board, applicants shall be granted licenses to practice medicine, osteopathy, *medical science*, chiropractic, or podiatry and each license shall show plainly on its face the school or branch of the healing arts in which the holder thereof is permitted to practice. All licenses shall be attested by the signature of the president and secretary of the Board, respectively.

**§ 54.1-2941. Contracts of practitioners with approved colleges and certain state agencies not prohibited.**

This chapter shall not be construed to prohibit, forbid, or prevent (i) any approved school of medicine, osteopathy, *medical science*, podiatry, or chiropractic from contracting with any licensed practitioner to teach or participate in a preceptorship program in such college on such terms of compensation as may be mutually satisfactory, which contract may prescribe the extent, if any, to which the practitioner may engage in private practice, or (ii) any institution, hospital, treatment center, sanatorium, or other similar agency under the management and control of an agency of the Commonwealth from employing or contracting with any licensed practitioner to furnish professional services in the work of the agency, or to persons entitled to receive such care from the agency.

**§ 54.1-2941.1. Advisory Board on Doctors of Medical Science.**

*The Advisory Board on Doctors of Medical Science shall consist of five members to be appointed by the Governor as follows: two members shall be licensed physician assistants who meet the criteria for licensure as a doctor of medical science, two members shall be licensed physicians, and one member shall be appointed by the Governor from the Commonwealth at large. Beginning July 1, 2017, the Governor's appointments shall be staggered as follows: two members for a term of one year, one member for a term of two years, and two members for a term of three years. Thereafter, appointments shall be for four-year terms. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term. No person shall be eligible to serve on the Advisory Board for more than two consecutive terms.*

**§ 54.1-2962. Division of fees among physicians prohibited.**

A. No physician licensed to practice medicine ~~or~~, osteopathy, *or medical science* in the Commonwealth shall:

1. Knowingly and willfully, directly or indirectly, share any professional fee received for the provision of health services, as defined in § 54.1-2410, to a patient with another physician licensed to practice medicine ~~or~~, osteopathy, *or medical science* in the Commonwealth in return for such other physician's making a referral, as defined in § 54.1-2410, of such patient to the physician providing such health services; or

2. Accept any portion of a professional fee paid to another physician licensed to practice medicine ~~or~~, osteopathy, *or medical science* in the Commonwealth for the provision of health services, as defined in § 54.1-2410, to a patient in return for making a referral, as defined in § 54.1-2410, of such patient to the physician providing such health services.

B. This chapter shall not be construed as prohibiting (i) the members of any regularly organized partnership or group practice, as defined in § 54.1-2410, of physicians licensed to practice medicine ~~or~~, osteopathy, *or medical science* in the Commonwealth from making any division of their total fees among themselves as they may determine or using their joint fees to defray their joint operating costs; (ii) arrangements permitted under the Practitioner Self-Referral Act (§ 54.1-2410 et seq.); or (iii) payments, business arrangements, or payment practices that would be permitted in accordance with 42 U.S.C. § 1320a-7b(b)(3) if such payments, business arrangements, or payment practices involved an

367 underlying payment source that was a federal health care program, as defined in 42 U.S.C.  
368 § 1320a-7b(f), regardless of whether the underlying payment source actually is a federal health care  
369 program or other bona fide payment source.  
370 C. Any person violating the provisions of this section is guilty of a Class 1 misdemeanor.

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