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HOUSE BILL NO. 2082

Offered January 9, 2019

Prefiled January 7, 2019

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

Patron—Watts

Referred to Committee for Courts of Justice

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 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.

"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.

"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.

"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 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

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59 functions, including pain control, for the treatment of certain ailments or conditions of the body and
60 includes the techniques of electroacupuncture, cupping and moxibustion. The practice of acupuncture
61 does not include the use of physical therapy, chiropractic, or osteopathic manipulative techniques; the
62 use or prescribing of any drugs, medications, serums or vaccines; or the procedure of auricular
63 acupuncture as exempted in § 54.1-2901 when used in the context of a chemical dependency treatment
64 program for patients eligible for federal, state or local public funds by an employee of the program who
65 is trained and approved by the National Acupuncture Detoxification Association or an equivalent
66 certifying body.

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

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

78 "Practice of chiropractic" means the adjustment of the 24 movable vertebrae of the spinal column,
79 and assisting nature for the purpose of normalizing the transmission of nerve energy, but does not
80 include the use of surgery, obstetrics, osteopathy or the administration or prescribing of any drugs,
81 medicines, serums or vaccines. "Practice of chiropractic" shall include performing the physical
82 examination of an applicant for a commercial driver's license or commercial learner's permit pursuant to
83 § 46.2-341.12 if the practitioner has (i) applied for and received certification as a medical examiner
84 pursuant to 49 C.F.R. Part 390, Subpart D and (ii) registered with the National Registry of Certified
85 Medical Examiners.

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

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

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

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

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

119 "Practice of respiratory care" means the (i) administration of pharmacological, diagnostic, and
120 therapeutic agents related to respiratory care procedures necessary to implement a treatment, disease

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

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

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

148 "Radiologic technologist, limited" means an individual, other than a licensed radiologic technologist,
149 dental hygienist, or person who is otherwise authorized by the Board of Dentistry under Chapter 27
150 (§ 54.1-2700 et seq.) and the regulations pursuant thereto, who performs diagnostic radiographic
151 procedures employing equipment that emits ionizing radiation that is limited to specific areas of the
152 human body.

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

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