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SENATE BILL NO. 530

Offered January 8, 2020

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A BILL to amend and reenact §§ 8.01-225 and 54.1-3408 of the Code of Virginia, relating to the possession and administration of epinephrine by certain individuals.

Patron—Edwards

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-225 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. For purposes of this subdivision, emergency care or assistance includes the forcible entry of a motor vehicle in order to remove an unattended minor at risk of serious bodily injury or death, provided the person has attempted to contact a law-enforcement officer, as defined in § 9.1-101, a firefighter, as defined in § 65.2-102, emergency medical services personnel, as defined in § 32.1-111.1, or an emergency 911 system, if feasible under the circumstances.

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 provider who holds a valid certificate issued by the Commissioner 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, emergency medical services agency, or 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 services provider 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 (CPR); cardiac defibrillation, including, but not limited to, the use of an automated external defibrillator (AED); 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 AED at the scene of an emergency, trains individuals to be operators of AEDs, or

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59 orders AEDs, shall be immune from civil liability for any personal injury that results from any act or
60 omission in the use of an AED in an emergency where the person performing the defibrillation acts as
61 an ordinary, reasonably prudent person would have acted under the same or similar circumstances,
62 unless such personal injury results from gross negligence or willful or wanton misconduct of the person
63 rendering such emergency care.

64 8. Maintains an AED located on real property owned or controlled by such person shall be immune
65 from civil liability for any personal injury that results from any act or omission in the use in an
66 emergency of an AED located on such property unless such personal injury results from gross
67 negligence or willful or wanton misconduct of the person who maintains the AED or his agent or
68 employee.

69 9. Is an employee of a school board or of a local health department approved by the local governing
70 body to provide health services pursuant to § 22.1-274 who, while on school property or at a
71 school-sponsored event, (i) renders emergency care or assistance to any sick or injured person; (ii)
72 renders or administers emergency cardiopulmonary resuscitation (CPR); cardiac defibrillation, including,
73 but not limited to, the use of an automated external defibrillator (AED); or other emergency
74 life-sustaining or resuscitative treatments or procedures that have been approved by the State Board of
75 Health to any sick or injured person; (iii) operates an AED, trains individuals to be operators of AEDs,
76 or orders AEDs; or (iv) maintains an AED, shall not be liable for civil damages for ordinary negligence
77 in acts or omissions on the part of such employee while engaged in the acts described in this
78 subdivision.

79 10. Is a volunteer in good standing and certified to render emergency care by the National Ski Patrol
80 System, Inc., who, in good faith and without compensation, renders emergency care or assistance to any
81 injured or ill person, whether at the scene of a ski resort rescue, outdoor emergency rescue, or any other
82 place or while transporting such injured or ill person to a place accessible for transfer to any available
83 emergency medical system unit, or any resort owner voluntarily providing a ski patroller employed by
84 him to engage in rescue or recovery work at a resort not owned or operated by him, shall not be liable
85 for any civil damages for acts or omissions resulting from the rendering of such emergency care,
86 treatment, or assistance, including but not limited to acts or omissions which involve violations of any
87 state regulation or any standard of the National Ski Patrol System, Inc., in the rendering of such
88 emergency care or assistance, unless such act or omission was the result of gross negligence or willful
89 misconduct.

90 11. Is an employee of (i) a school board, (ii) a school for students with disabilities as defined in
91 § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19
92 as administered by the Virginia Council for Private Education and is authorized by a prescriber and
93 trained in the administration of insulin and glucagon, who, upon the written request of the parents as
94 defined in § 22.1-1, assists with the administration of insulin or, in the case of a school board employee,
95 with the insertion or reinsertion of an insulin pump or any of its parts pursuant to subsection B of
96 § 22.1-274.01:1 or administers glucagon to a student diagnosed as having diabetes who requires insulin
97 injections during the school day or for whom glucagon has been prescribed for the emergency treatment
98 of hypoglycemia shall not be liable for any civil damages for ordinary negligence in acts or omissions
99 resulting from the rendering of such treatment if the insulin is administered according to the child's
100 medication schedule or such employee has reason to believe that the individual receiving the glucagon is
101 suffering or is about to suffer life-threatening hypoglycemia. Whenever any such employee is covered
102 by the immunity granted herein, the school board or school employing him shall not be liable for any
103 civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin
104 or glucagon treatment.

105 12. Is an employee of a public institution of higher education or a private institution of higher
106 education who is authorized by a prescriber and trained in the administration of insulin and glucagon,
107 who assists with the administration of insulin or administers glucagon to a student diagnosed as having
108 diabetes who requires insulin injections or for whom glucagon has been prescribed for the emergency
109 treatment of hypoglycemia shall not be liable for any civil damages for ordinary negligence in acts or
110 omissions resulting from the rendering of such treatment if the insulin is administered according to the
111 student's medication schedule or such employee has reason to believe that the individual receiving the
112 glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any employee is
113 covered by the immunity granted in this subdivision, the institution shall not be liable for any civil
114 damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or
115 glucagon treatment.

116 13. Is a school nurse, an employee of a school board, an employee of a local governing body, or an
117 employee of a local health department who is authorized by a prescriber and trained in the
118 administration of epinephrine and who provides, administers, or assists in the administration of
119 epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber
120 of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions

121 resulting from the rendering of such treatment.

122 14. Is an employee of a school for students with disabilities, as defined in § 22.1-319 and licensed by
123 the Board of Education, or an employee of a private school that is accredited pursuant to § 22.1-19 as
124 administered by the Virginia Council for Private Education who is authorized by a prescriber and trained
125 in the administration of epinephrine and who administers or assists in the administration of epinephrine
126 to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber of the
127 epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions
128 resulting from the rendering of such treatment. Whenever any employee is covered by the immunity
129 granted in this subdivision, the school shall not be liable for any civil damages for ordinary negligence
130 in acts or omissions resulting from such administration or assistance.

131 15. Is an employee of a public institution of higher education or a private institution of higher
132 education who is authorized by a prescriber and trained in the administration of epinephrine and who
133 administers or assists in the administration of epinephrine to a student believed in good faith to be
134 having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil
135 damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.
136 Whenever any employee is covered by the immunity granted in this subdivision, the institution shall not
137 be liable for any civil damages for ordinary negligence in acts or omissions resulting from such
138 administration or assistance.

139 16. Is an employee of an organization providing outdoor educational experiences or programs for
140 youth who is authorized by a prescriber and trained in the administration of epinephrine and who
141 administers or assists in the administration of epinephrine to a participant in the outdoor experience or
142 program for youth believed in good faith to be having an anaphylactic reaction, or is the prescriber of
143 the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions
144 resulting from the rendering of such treatment. Whenever any employee is covered by the immunity
145 granted in this subdivision, the organization shall not be liable for any civil damages for ordinary
146 negligence in acts or omissions resulting from such administration or assistance.

147 *17. Is an employee of a restaurant licensed pursuant to Chapter 3 (§ 35.1-18 et seq.) of Title 35.1, is*
148 *authorized by a prescriber and trained in the administration of epinephrine, and provides, administers,*
149 *or assists in the administration of epinephrine to an individual believed in good faith to be having an*
150 *anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages*
151 *for ordinary negligence in acts or omissions resulting from the rendering of such treatment.*

152 18. Is an employee of a provider licensed by the Department of Behavioral Health and
153 Developmental Services, or provides services pursuant to a contract with a provider licensed by the
154 Department of Behavioral Health and Developmental Services, who has been trained in the
155 administration of insulin and glucagon and who administers or assists with the administration of insulin
156 or administers glucagon to a person diagnosed as having diabetes who requires insulin injections or for
157 whom glucagon has been prescribed for the emergency treatment of hypoglycemia in accordance with
158 § 54.1-3408 shall not be liable for any civil damages for ordinary negligence in acts or omissions
159 resulting from the rendering of such treatment if the insulin is administered in accordance with the
160 prescriber's instructions or such person has reason to believe that the individual receiving the glucagon is
161 suffering or is about to suffer life-threatening hypoglycemia. Whenever any employee of a provider
162 licensed by the Department of Behavioral Health and Developmental Services or a person who provides
163 services pursuant to a contract with a provider licensed by the Department of Behavioral Health and
164 Developmental Services is covered by the immunity granted herein, the provider shall not be liable for
165 any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such
166 insulin or glucagon treatment.

167 ~~18.~~ 19. Is an employee of a provider licensed by the Department of Behavioral Health and
168 Developmental Services, or provides services pursuant to a contract with a provider licensed by the
169 Department of Behavioral Health and Developmental Services, who has been trained in the
170 administration of epinephrine and who administers or assists in the administration of epinephrine to a
171 person believed in good faith to be having an anaphylactic reaction in accordance with the prescriber's
172 instructions shall not be liable for any civil damages for ordinary negligence in acts or omissions
173 resulting from the rendering of such treatment.

174 ~~19.~~ 20. In good faith prescribes, dispenses, or administers naloxone or other opioid antagonist used
175 for overdose reversal in an emergency to an individual who is believed to be experiencing or about to
176 experience a life-threatening opiate overdose shall not be liable for any civil damages for ordinary
177 negligence in acts or omissions resulting from the rendering of such treatment if acting in accordance
178 with the provisions of subsection X or Y of § 54.1-3408 or in his role as a member of an emergency
179 medical services agency.

180 ~~20.~~ 21. Is an employee of a school board, school for students with disabilities as defined in
181 § 22.1-319 licensed by the Board of Education, or private school accredited pursuant to § 22.1-19 as

182 administered by the Virginia Council for Private Education who is trained in the administration of
183 injected medications for the treatment of adrenal crisis resulting from a condition causing adrenal
184 insufficiency and who administers or assists in the administration of such medications to a student
185 diagnosed with a condition causing adrenal insufficiency when the student is believed to be experiencing
186 or about to experience an adrenal crisis pursuant to a written order or standing protocol issued by a
187 prescriber within the course of his professional practice and in accordance with the prescriber's
188 instructions shall not be liable for any civil damages for ordinary negligence in acts or omissions
189 resulting from the rendering of such treatment.

190 B. Any licensed physician serving without compensation as the operational medical director for an
191 emergency medical services agency that holds a valid license as an emergency medical services agency
192 issued by the Commissioner of Health shall not be liable for any civil damages for any act or omission
193 resulting from the rendering of emergency medical services in good faith by the personnel of such
194 licensed agency unless such act or omission was the result of such physician's gross negligence or
195 willful misconduct.

196 Any person serving without compensation as a dispatcher for any licensed public or nonprofit
197 emergency medical services agency in the Commonwealth shall not be liable for any civil damages for
198 any act or omission resulting from the rendering of emergency services in good faith by the personnel
199 of such licensed agency unless such act or omission was the result of such dispatcher's gross negligence
200 or willful misconduct.

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

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

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

217 Any licensed physician serving without compensation as a supervisor of an AED in the
218 Commonwealth shall not be liable for any civil damages for any act or omission resulting from
219 rendering medical advice in good faith to the owner of the AED relating to personnel training, local
220 emergency medical services coordination, protocol approval, AED deployment strategies, and equipment
221 maintenance plans and records unless such act or omission was the result of such physician's gross
222 negligence or willful misconduct.

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

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

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

239 E. For the purposes of this section, "compensation" shall not be construed to include (i) the salaries
240 of police, fire, or other public officials or personnel who render such emergency assistance; (ii) the
241 salaries or wages of employees of a coal producer engaging in emergency medical services or first aid
242 services pursuant to the provisions of § 45.1-161.38, 45.1-161.101, 45.1-161.199, or 45.1-161.263; (iii)
243 complimentary lift tickets, food, lodging, or other gifts provided as a gratuity to volunteer members of

244 the National Ski Patrol System, Inc., by any resort, group, or agency; (iv) the salary of any person who
245 (a) owns an AED for the use at the scene of an emergency, (b) trains individuals, in courses approved
246 by the Board of Health, to operate AEDs at the scene of emergencies, (c) orders AEDs for use at the
247 scene of emergencies, or (d) operates an AED at the scene of an emergency; or (v) expenses reimbursed
248 to any person providing care or assistance pursuant to this section.

249 For the purposes of this section, "emergency medical services provider" shall include a person
250 licensed or certified as such or its equivalent by any other state when he is performing services that he
251 is licensed or certified to perform by such other state in caring for a patient in transit in the
252 Commonwealth, which care originated in such other state.

253 Further, the public shall be urged to receive training on how to use CPR and an AED in order to
254 acquire the skills and confidence to respond to emergencies using both CPR and an AED.

255 **§ 54.1-3408. Professional use by practitioners.**

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

261 B. The prescribing practitioner's order may be on a written prescription or pursuant to an oral
262 prescription as authorized by this chapter. The prescriber may administer drugs and devices, or he may
263 cause drugs or devices to be administered by:

264 1. A nurse, physician assistant, or intern under his direction and supervision;

265 2. Persons trained to administer drugs and devices to patients in state-owned or state-operated
266 hospitals or facilities licensed as hospitals by the Board of Health or psychiatric hospitals licensed by
267 the Department of Behavioral Health and Developmental Services who administer drugs under the
268 control and supervision of the prescriber or a pharmacist;

269 3. Emergency medical services personnel certified and authorized to administer drugs and devices
270 pursuant to regulations of the Board of Health who act within the scope of such certification and
271 pursuant to an oral or written order or standing protocol; or

272 4. A licensed respiratory therapist as defined in § 54.1-2954 who administers by inhalation controlled
273 substances used in inhalation or respiratory therapy.

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

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

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

285 Pursuant to an order or standing protocol issued by the prescriber within the course of his
286 professional practice, any school nurse, school board employee, employee of a local governing body, or
287 employee of a local health department who is authorized by a prescriber and trained in the
288 administration of epinephrine may possess and administer epinephrine.

289 Pursuant to an order or a standing protocol issued by the prescriber within the course of his
290 professional practice, any employee of a school for students with disabilities, as defined in § 22.1-319
291 and licensed by the Board of Education, or any employee of a private school that is accredited pursuant
292 to § 22.1-19 as administered by the Virginia Council for Private Education who is authorized by a
293 prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

294 Pursuant to an order or a standing protocol issued by the prescriber within the course of his
295 professional practice, any employee of a public institution of higher education or a private institution of
296 higher education who is authorized by a prescriber and trained in the administration of epinephrine may
297 possess and administer epinephrine.

298 Pursuant to an order or a standing protocol issued by the prescriber within the course of his
299 professional practice, any employee of an organization providing outdoor educational experiences or
300 programs for youth who is authorized by a prescriber and trained in the administration of epinephrine
301 may possess and administer epinephrine.

302 Pursuant to an order or a standing protocol issued by the prescriber within the course of his
303 professional practice, and in accordance with policies and guidelines established by the Department of
304 Health, such prescriber may authorize any employee of a restaurant licensed pursuant to Chapter 3

305 (§ 35.1-18 et seq.) of Title 35.1 to possess and administer epinephrine, provided that such person is
306 trained in the administration of epinephrine.

307 Pursuant to an order issued by the prescriber within the course of his professional practice, an
308 employee of a provider licensed by the Department of Behavioral Health and Developmental Services or
309 a person providing services pursuant to a contract with a provider licensed by the Department of
310 Behavioral Health and Developmental Services may possess and administer epinephrine, provided such
311 person is authorized and trained in the administration of epinephrine.

312 Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of
313 his professional practice, such prescriber may authorize pharmacists to possess epinephrine and oxygen
314 for administration in treatment of emergency medical conditions.

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

318 F. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course
319 of his professional practice, such prescriber may authorize licensed athletic trainers to possess and
320 administer topical corticosteroids, topical lidocaine, or other Schedule VI topical drugs; oxygen for use
321 in emergency situations; and epinephrine for use in emergency cases of anaphylactic shock.

322 G. Pursuant to an oral or written order or standing protocol issued by the prescriber within the
323 course of his professional practice, and in accordance with policies and guidelines established by the
324 Department of Health pursuant to § 32.1-50.2, such prescriber may authorize registered nurses or
325 licensed practical nurses under the supervision of a registered nurse to possess and administer tuberculin
326 purified protein derivative (PPD) in the absence of a prescriber. The Department of Health's policies and
327 guidelines shall be consistent with applicable guidelines developed by the Centers for Disease Control
328 and Prevention for preventing transmission of mycobacterium tuberculosis and shall be updated to
329 incorporate any subsequently implemented standards of the Occupational Safety and Health
330 Administration and the Department of Labor and Industry to the extent that they are inconsistent with
331 the Department of Health's policies and guidelines. Such standing protocols shall explicitly describe the
332 categories of persons to whom the tuberculin test is to be administered and shall provide for appropriate
333 medical evaluation of those in whom the test is positive. The prescriber shall ensure that the nurse
334 implementing such standing protocols has received adequate training in the practice and principles
335 underlying tuberculin screening.

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

340 H. Pursuant to a written order or standing protocol issued by the prescriber within the course of his
341 professional practice, such prescriber may authorize, with the consent of the parents as defined in
342 § 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in
343 § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19
344 as administered by the Virginia Council for Private Education who is trained in the administration of
345 insulin and glucagon to assist with the administration of insulin or administer glucagon to a student
346 diagnosed as having diabetes and who requires insulin injections during the school day or for whom
347 glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall
348 only be effective when a licensed nurse, nurse practitioner, physician, or physician assistant is not
349 present to perform the administration of the medication.

350 Pursuant to a written order or standing protocol issued by the prescriber within the course of his
351 professional practice, such prescriber may authorize an employee of a public institution of higher
352 education or a private institution of higher education who is trained in the administration of insulin and
353 glucagon to assist with the administration of insulin or administration of glucagon to a student diagnosed
354 as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the
355 emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse,
356 nurse practitioner, physician, or physician assistant is not present to perform the administration of the
357 medication.

358 Pursuant to a written order issued by the prescriber within the course of his professional practice,
359 such prescriber may authorize an employee of a provider licensed by the Department of Behavioral
360 Health and Developmental Services or a person providing services pursuant to a contract with a provider
361 licensed by the Department of Behavioral Health and Developmental Services to assist with the
362 administration of insulin or to administer glucagon to a person diagnosed as having diabetes and who
363 requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of
364 hypoglycemia, provided such employee or person providing services has been trained in the
365 administration of insulin and glucagon.

366 I. A prescriber may authorize, pursuant to a protocol approved by the Board of Nursing, the

367 administration of vaccines to adults for immunization, when a practitioner with prescriptive authority is
 368 not physically present, by (i) licensed pharmacists, (ii) registered nurses, or (iii) licensed practical nurses
 369 under the supervision of a registered nurse. A prescriber acting on behalf of and in accordance with
 370 established protocols of the Department of Health may authorize the administration of vaccines to any
 371 person by a pharmacist, nurse, or designated emergency medical services provider who holds an
 372 advanced life support certificate issued by the Commissioner of Health under the direction of an
 373 operational medical director when the prescriber is not physically present. The emergency medical
 374 services provider shall provide documentation of the vaccines to be recorded in the Virginia
 375 Immunization Information System.

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

378 Further, pursuant to a written order and in accordance with a standing protocol issued by the dentist
 379 in the course of his professional practice, a dentist may authorize a dental hygienist under his general
 380 supervision, as defined in § 54.1-2722, or his remote supervision, as defined in subsection E or F of
 381 § 54.1-2722, to possess and administer topical oral fluorides, topical oral anesthetics, topical and directly
 382 applied antimicrobial agents for treatment of periodontal pocket lesions, and any other Schedule VI
 383 topical drug approved by the Board of Dentistry.

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

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

392 L. This section shall not prevent the administration of drugs by a person who has satisfactorily
 393 completed a training program for this purpose approved by the Board of Nursing and who administers
 394 such drugs in accordance with a prescriber's instructions pertaining to dosage, frequency, and manner of
 395 administration, and in accordance with regulations promulgated by the Board of Pharmacy relating to
 396 security and record keeping, when the drugs administered would be normally self-administered by (i) an
 397 individual receiving services in a program licensed by the Department of Behavioral Health and
 398 Developmental Services; (ii) a resident of the Virginia Rehabilitation Center for the Blind and Vision
 399 Impaired; (iii) a resident of a facility approved by the Board or Department of Juvenile Justice for the
 400 placement of children in need of services or delinquent or alleged delinquent youth; (iv) a program
 401 participant of an adult day-care center licensed by the Department of Social Services; (v) a resident of
 402 any facility authorized or operated by a state or local government whose primary purpose is not to
 403 provide health care services; (vi) a resident of a private children's residential facility, as defined in
 404 § 63.2-100 and licensed by the Department of Social Services, Department of Education, or Department
 405 of Behavioral Health and Developmental Services; or (vii) a student in a school for students with
 406 disabilities, as defined in § 22.1-319 and licensed by the Board of Education.

407 In addition, this section shall not prevent a person who has successfully completed a training
 408 program for the administration of drugs via percutaneous gastrostomy tube approved by the Board of
 409 Nursing and been evaluated by a registered nurse as having demonstrated competency in administration
 410 of drugs via percutaneous gastrostomy tube from administering drugs to a person receiving services from
 411 a program licensed by the Department of Behavioral Health and Developmental Services to such person
 412 via percutaneous gastrostomy tube. The continued competency of a person to administer drugs via
 413 percutaneous gastrostomy tube shall be evaluated semiannually by a registered nurse.

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

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

428 departments of health.

429 O. In addition, this section shall not prevent the administration of drugs by a person to (i) a child in
430 a child day program as defined in § 63.2-100 and regulated by the State Board of Social Services or a
431 local government pursuant to § 15.2-914, or (ii) a student of a private school that is accredited pursuant
432 to § 22.1-19 as administered by the Virginia Council for Private Education, provided such person (a) has
433 satisfactorily completed a training program for this purpose approved by the Board of Nursing and
434 taught by a registered nurse, licensed practical nurse, nurse practitioner, physician assistant, doctor of
435 medicine or osteopathic medicine, or pharmacist; (b) has obtained written authorization from a parent or
436 guardian; (c) administers drugs only to the child identified on the prescription label in accordance with
437 the prescriber's instructions pertaining to dosage, frequency, and manner of administration; and (d)
438 administers only those drugs that were dispensed from a pharmacy and maintained in the original,
439 labeled container that would normally be self-administered by the child or student, or administered by a
440 parent or guardian to the child or student.

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

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

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

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

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

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

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

477 V. A physician assistant, nurse, or dental hygienist may possess and administer topical fluoride
478 varnish pursuant to an oral or written order or a standing protocol issued by a doctor of medicine,
479 osteopathic medicine, or dentistry.

480 W. A prescriber, acting in accordance with guidelines developed pursuant to § 32.1-46.02, may
481 authorize the administration of influenza vaccine to minors by a licensed pharmacist, registered nurse,
482 licensed practical nurse under the direction and immediate supervision of a registered nurse, or
483 emergency medical services provider who holds an advanced life support certificate issued by the
484 Commissioner of Health when the prescriber is not physically present.

485 X. Notwithstanding the provisions of § 54.1-3303, pursuant to an oral, written, or standing order
486 issued by a prescriber or a standing order issued by the Commissioner of Health or his designee
487 authorizing the dispensing of naloxone or other opioid antagonist used for overdose reversal in the
488 absence of an oral or written order for a specific patient issued by a prescriber, and in accordance with
489 protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the

490 Department of Health, a pharmacist, a health care provider providing services in a hospital emergency
 491 department, and emergency medical services personnel, as that term is defined in § 32.1-111.1, may
 492 dispense naloxone or other opioid antagonist used for overdose reversal and a person to whom naloxone
 493 or other opioid antagonist has been dispensed pursuant to this subsection may possess and administer
 494 naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be
 495 experiencing or about to experience a life-threatening opioid overdose. Law-enforcement officers as
 496 defined in § 9.1-101, employees of the Department of Forensic Science, employees of the Office of the
 497 Chief Medical Examiner, employees of the Department of General Services Division of Consolidated
 498 Laboratory Services, employees of the Department of Corrections designated as probation and parole
 499 officers or as correctional officers as defined in § 53.1-1, employees of regional jails, school nurses,
 500 local health department employees that are assigned to a public school pursuant to an agreement
 501 between the local health department and the school board, other school board employees or individuals
 502 contracted by a school board to provide school health services, and firefighters who have completed a
 503 training program may also possess and administer naloxone or other opioid antagonist used for overdose
 504 reversal and may dispense naloxone or other opioid antagonist used for overdose reversal pursuant to an
 505 oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of
 506 Health or his designee in accordance with protocols developed by the Board of Pharmacy in consultation
 507 with the Board of Medicine and the Department of Health.

508 Y. Notwithstanding any other law or regulation to the contrary, a person who is acting on behalf of
 509 an organization that provides services to individuals at risk of experiencing an opioid overdose or
 510 training in the administration of naloxone for overdose reversal may dispense naloxone to a person who
 511 has received instruction on the administration of naloxone for opioid overdose reversal, provided that
 512 such dispensing is (i) pursuant to a standing order issued by a prescriber and (ii) in accordance with
 513 protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the
 514 Department of Health. If the person acting on behalf of an organization dispenses naloxone in an
 515 injectable formulation with a hypodermic needle or syringe, he shall first obtain authorization from the
 516 Department of Behavioral Health and Developmental Services to train individuals on the proper
 517 administration of naloxone by and proper disposal of a hypodermic needle or syringe, and he shall
 518 obtain a controlled substance registration from the Board of Pharmacy. The Board of Pharmacy shall not
 519 charge a fee for the issuance of such controlled substance registration. The dispensing may occur at a
 520 site other than that of the controlled substance registration provided the entity possessing the controlled
 521 substances registration maintains records in accordance with regulations of the Board of Pharmacy. No
 522 person who dispenses naloxone on behalf of an organization pursuant to this subsection shall charge a
 523 fee for the dispensing of naloxone that is greater than the cost to the organization of obtaining the
 524 naloxone dispensed. A person to whom naloxone has been dispensed pursuant to this subsection may
 525 possess naloxone and may administer naloxone to a person who is believed to be experiencing or about
 526 to experience a life-threatening opioid overdose.

527 Z. Pursuant to a written order or standing protocol issued by the prescriber within the course of his
 528 professional practice, such prescriber may authorize, with the consent of the parents as defined in
 529 § 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in
 530 § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19
 531 as administered by the Virginia Council for Private Education who is trained in the administration of
 532 injected medications for the treatment of adrenal crisis resulting from a condition causing adrenal
 533 insufficiency to administer such medication to a student diagnosed with a condition causing adrenal
 534 insufficiency when the student is believed to be experiencing or about to experience an adrenal crisis.
 535 Such authorization shall be effective only when a licensed nurse, nurse practitioner, physician, or
 536 physician assistant is not present to perform the administration of the medication.

537 **2. That the Department of Health, in conjunction with the Department of Health Professions, shall**
 538 **develop policies and guidelines for the recognition and treatment of anaphylaxis in restaurants.**
 539 **Such Departments shall develop policies with input from, but not limited to, representatives of the**
 540 **following organizations and entities: the Virginia Nurses Association, the Virginia Chapter of the**
 541 **American Academy of Pediatrics, the Medical Society of Virginia, and the Office of the Attorney**
 542 **General. Such Departments shall consider (i) the issuance and implementation of oral or written**
 543 **orders or standing protocols; (ii) who may qualify as a prescriber; (iii) specification of training**
 544 **needs and requirements for the administration of epinephrine; (iv) appropriate storage,**
 545 **maintenance, and general oversight of epinephrine; (v) appropriate liability protections; and (vi)**
 546 **any issues requiring statutory or regulatory amendment. Such Departments shall provide such**
 547 **policies and guidelines to the Commissioner of Health by no later than July 1, 2021.**