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HOUSE BILL NO. 1747

Offered January 13, 2021

Prefiled December 4, 2020

A *BILL to amend and reenact §§ 54.1-2900, 54.1-2901, 54.1-2957, 54.1-2957.01, and 54.1-3000 of the Code of Virginia and to repeal § 54.1-3018.1 of the Code of Virginia, relating to clinical nurse specialist; licensure by the Boards of Medicine and Nursing.*

Patrons—Adams, D.M., Avoli, Batten, Bell, Brewer, Carter, Cole, M.L., Coyner, Guy, Hayes, Hurst, Keam, Kory, LaRock, McQuinn, Mugler, Plum, Rasoul, Robinson, Sickles, Simon, Simonds, Sullivan and Webert; Senators: Boysko, Peake and Stanley

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2900, 54.1-2901, 54.1-2957, 54.1-2957.01, and 54.1-3000 of the Code of Virginia are 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.

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

"Collaboration" means the communication and decision-making process among health care providers who are members of a patient care team related to the treatment of a patient that includes the degree of cooperation necessary to provide treatment and care of the patient and includes (i) communication of data and information about the treatment and care of a patient, including the exchange of clinical observations and assessments, and (ii) development of an appropriate plan of care, including decisions regarding the health care provided, accessing and assessment of appropriate additional resources or expertise, and arrangement of appropriate referrals, testing, or studies.

"Consultation" means communicating data and information, exchanging clinical observations and assessments, accessing and assessing additional resources and expertise, problem-solving, and arranging for referrals, testing, or studies.

"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

57 any personal injuries or wrongful death, based on health care or professional services rendered, or that
58 should have been rendered, by a health care provider, to a patient.

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

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

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

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

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

73 "Physician assistant" means a health care professional who has met the requirements of the Board for
74 licensure as a physician assistant.

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

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

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

96 "Practice of chiropractic" means the adjustment of the 24 movable vertebrae of the spinal column,
97 and assisting nature for the purpose of normalizing the transmission of nerve energy, but does not
98 include the use of surgery, obstetrics, osteopathy, or the administration or prescribing of any drugs,
99 medicines, serums, or vaccines. "Practice of chiropractic" shall include (i) requesting, receiving, and
100 reviewing a patient's medical and physical history, including information related to past surgical and
101 nonsurgical treatment of the patient and controlled substances prescribed to the patient, and (ii)
102 documenting in a patient's record information related to the condition and symptoms of the patient, the
103 examination and evaluation of the patient made by the doctor of chiropractic, and treatment provided to
104 the patient by the doctor of chiropractic. "Practice of chiropractic" shall also include performing the
105 physical examination of an applicant for a commercial driver's license or commercial learner's permit
106 pursuant to § 46.2-341.12 if the practitioner has (i) applied for and received certification as a medical
107 examiner pursuant to 49 C.F.R. Part 390, Subpart D and (ii) registered with the National Registry of
108 Certified Medical Examiners.

109 "Practice of genetic counseling" means (i) obtaining and evaluating individual and family medical
110 histories to assess the risk of genetic medical conditions and diseases in a patient, his offspring, and
111 other family members; (ii) discussing the features, history, diagnosis, environmental factors, and risk
112 management of genetic medical conditions and diseases; (iii) ordering genetic laboratory tests and other
113 diagnostic studies necessary for genetic assessment; (iv) integrating the results with personal and family
114 medical history to assess and communicate risk factors for genetic medical conditions and diseases; (v)
115 evaluating the patient's and family's responses to the medical condition or risk of recurrence and
116 providing client-centered counseling and anticipatory guidance; (vi) identifying and utilizing community
117 resources that provide medical, educational, financial, and psychosocial support and advocacy; and (vii)
118 providing written documentation of medical, genetic, and counseling information for families and health

119 care professionals.

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

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

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

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

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

157 "Practice of surgical assisting" means the performance of significant surgical tasks, including
158 manipulation of organs, suturing of tissue, placement of hemostatic agents, injection of local anesthetic,
159 harvesting of veins, implementation of devices, and other duties as directed by a licensed doctor of
160 medicine, osteopathy, or podiatry under the direct supervision of a licensed doctor of medicine,
161 osteopathy, or podiatry.

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

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

176 "Radiologic technologist, limited" means an individual, other than a licensed radiologic technologist,
177 dental hygienist, or person who is otherwise authorized by the Board of Dentistry under Chapter 27
178 (§ 54.1-2700 et seq.) and the regulations pursuant thereto, who performs diagnostic radiographic
179 procedures employing equipment that emits ionizing radiation that is limited to specific areas of the

180 human body.

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

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

194 "Surgical assistant" means an individual who has met the requirements of the Board for licensure as
 195 a surgical assistant and who works under the direct supervision of a licensed doctor of medicine,
 196 osteopathy, or podiatry.

197 **§ 54.1-2901. Exceptions and exemptions generally.**

198 A. The provisions of this chapter shall not prevent or prohibit:

199 1. Any person entitled to practice his profession under any prior law on June 24, 1944, from
 200 continuing such practice within the scope of the definition of his particular school of practice;

201 2. Any person licensed to practice naturopathy prior to June 30, 1980, from continuing such practice
 202 in accordance with regulations promulgated by the Board;

203 3. Any licensed nurse practitioner from rendering care in accordance with the provisions of
 204 §§ 54.1-2957 and 54.1-2957.01 or, any nurse practitioner licensed by the Boards of Medicine and
 205 Nursing in the category of certified nurse midwife practicing pursuant to subsection H of § 54.1-2957,
 206 or any nurse practitioner licensed by the Boards of Medicine and Nursing in the category of clinical
 207 nurse specialist practicing pursuant to subsection J of § 54.1-2957 when such services are authorized by
 208 regulations promulgated jointly by the Boards of Medicine and Nursing;

209 4. Any registered professional nurse, licensed nurse practitioner, graduate laboratory technician or
 210 other technical personnel who have been properly trained from rendering care or services within the
 211 scope of their usual professional activities which shall include the taking of blood, the giving of
 212 intravenous infusions and intravenous injections, and the insertion of tubes when performed under the
 213 orders of a person licensed to practice medicine or osteopathy, a nurse practitioner, or a physician
 214 assistant;

215 5. Any dentist, pharmacist or optometrist from rendering care or services within the scope of his
 216 usual professional activities;

217 6. Any practitioner licensed or certified by the Board from delegating to personnel supervised by
 218 him, such activities or functions as are nondiscretionary and do not require the exercise of professional
 219 judgment for their performance and which are usually or customarily delegated to such persons by
 220 practitioners of the healing arts, if such activities or functions are authorized by and performed for such
 221 practitioners of the healing arts and responsibility for such activities or functions is assumed by such
 222 practitioners of the healing arts;

223 7. The rendering of medical advice or information through telecommunications from a physician
 224 licensed to practice medicine in Virginia or an adjoining state, or from a licensed nurse practitioner, to
 225 emergency medical personnel acting in an emergency situation;

226 8. The domestic administration of family remedies;

227 9. The giving or use of massages, steam baths, dry heat rooms, infrared heat or ultraviolet lamps in
 228 public or private health clubs and spas;

229 10. The manufacture or sale of proprietary medicines in this Commonwealth by licensed pharmacists
 230 or druggists;

231 11. The advertising or sale of commercial appliances or remedies;

232 12. The fitting by nonitinerant persons or manufacturers of artificial eyes, limbs or other apparatus or
 233 appliances or the fitting of plaster cast counterparts of deformed portions of the body by a nonitinerant
 234 bracemaker or prosthetist for the purpose of having a three-dimensional record of the deformity, when
 235 such bracemaker or prosthetist has received a prescription from a licensed physician, licensed nurse
 236 practitioner, or licensed physician assistant directing the fitting of such casts and such activities are
 237 conducted in conformity with the laws of Virginia;

238 13. Any person from the rendering of first aid or medical assistance in an emergency in the absence
 239 of a person licensed to practice medicine or osteopathy under the provisions of this chapter;

240 14. The practice of the religious tenets of any church in the ministrations to the sick and suffering by
 241 mental or spiritual means without the use of any drug or material remedy, whether gratuitously or for

242 compensation;

243 15. Any legally qualified out-of-state or foreign practitioner from meeting in consultation with legally
244 licensed practitioners in this Commonwealth;

245 16. Any practitioner of the healing arts licensed or certified and in good standing with the applicable
246 regulatory agency in another state or Canada when that practitioner of the healing arts is in Virginia
247 temporarily and such practitioner has been issued a temporary authorization by the Board from
248 practicing medicine or the duties of the profession for which he is licensed or certified (i) in a summer
249 camp or in conjunction with patients who are participating in recreational activities, (ii) while
250 participating in continuing educational programs prescribed by the Board, or (iii) by rendering at any
251 site any health care services within the limits of his license, voluntarily and without compensation, to
252 any patient of any clinic which is organized in whole or in part for the delivery of health care services
253 without charge as provided in § 54.1-106;

254 17. The performance of the duties of any active duty health care provider in active service in the
255 army, navy, coast guard, marine corps, air force, or public health service of the United States at any
256 public or private health care facility while such individual is so commissioned or serving and in
257 accordance with his official military duties;

258 18. Any masseur, who publicly represents himself as such, from performing services within the scope
259 of his usual professional activities and in conformance with state law;

260 19. Any person from performing services in the lawful conduct of his particular profession or
261 business under state law;

262 20. Any person from rendering emergency care pursuant to the provisions of § 8.01-225;

263 21. Qualified emergency medical services personnel, when acting within the scope of their
264 certification, and licensed health care practitioners, when acting within their scope of practice, from
265 following Durable Do Not Resuscitate Orders issued in accordance with § 54.1-2987.1 and Board of
266 Health regulations, or licensed health care practitioners from following any other written order of a
267 physician not to resuscitate a patient in the event of cardiac or respiratory arrest;

268 22. Any commissioned or contract medical officer of the army, navy, coast guard or air force
269 rendering services voluntarily and without compensation while deemed to be licensed pursuant to
270 § 54.1-106;

271 23. Any provider of a chemical dependency treatment program who is certified as an "acupuncture
272 detoxification specialist" by the National Acupuncture Detoxification Association or an equivalent
273 certifying body, from administering auricular acupuncture treatment under the appropriate supervision of
274 a National Acupuncture Detoxification Association certified licensed physician or licensed acupuncturist;

275 24. Any employee of any assisted living facility who is certified in cardiopulmonary resuscitation
276 (CPR) acting in compliance with the patient's individualized service plan and with the written order of
277 the attending physician not to resuscitate a patient in the event of cardiac or respiratory arrest;

278 25. Any person working as a health assistant under the direction of a licensed medical or osteopathic
279 doctor within the Department of Corrections, the Department of Juvenile Justice or local correctional
280 facilities;

281 26. Any employee of a school board, authorized by a prescriber and trained in the administration of
282 insulin and glucagon, when, upon the authorization of a prescriber and the written request of the parents
283 as defined in § 22.1-1, assisting with the administration of insulin or administering glucagon to a
284 student diagnosed as having diabetes and who requires insulin injections during the school day or for
285 whom glucagon has been prescribed for the emergency treatment of hypoglycemia;

286 27. Any practitioner of the healing arts or other profession regulated by the Board from rendering
287 free health care to an underserved population of Virginia who (i) does not regularly practice his
288 profession in Virginia, (ii) holds a current valid license or certificate to practice his profession in another
289 state, territory, district or possession of the United States, (iii) volunteers to provide free health care to
290 an underserved area of the Commonwealth under the auspices of a publicly supported all volunteer,
291 nonprofit organization that sponsors the provision of health care to populations of underserved people,
292 (iv) files a copy of the license or certification issued in such other jurisdiction with the Board, (v)
293 notifies the Board at least five business days prior to the voluntary provision of services of the dates and
294 location of such service, and (vi) acknowledges, in writing, that such licensure exemption shall only be
295 valid, in compliance with the Board's regulations, during the limited period that such free health care is
296 made available through the volunteer, nonprofit organization on the dates and at the location filed with
297 the Board. The Board may deny the right to practice in Virginia to any practitioner of the healing arts
298 whose license or certificate has been previously suspended or revoked, who has been convicted of a
299 felony or who is otherwise found to be in violation of applicable laws or regulations. However, the
300 Board shall allow a practitioner of the healing arts who meets the above criteria to provide volunteer
301 services without prior notice for a period of up to three days, provided the nonprofit organization
302 verifies that the practitioner has a valid, unrestricted license in another state;

303 28. Any registered nurse, acting as an agent of the Department of Health, from obtaining specimens
 304 of sputum or other bodily fluid from persons in whom the diagnosis of active tuberculosis disease, as
 305 defined in § 32.1-49.1, is suspected and submitting orders for testing of such specimens to the Division
 306 of Consolidated Laboratories or other public health laboratories, designated by the State Health
 307 Commissioner, for the purpose of determining the presence or absence of tubercle bacilli as defined in
 308 § 32.1-49.1;

309 29. Any physician of medicine or osteopathy or nurse practitioner from delegating to a registered
 310 nurse under his supervision the screening and testing of children for elevated blood-lead levels when
 311 such testing is conducted (i) in accordance with a written protocol between the physician or nurse
 312 practitioner and the registered nurse and (ii) in compliance with the Board of Health's regulations
 313 promulgated pursuant to §§ 32.1-46.1 and 32.1-46.2. Any follow-up testing or treatment shall be
 314 conducted at the direction of a physician or nurse practitioner;

315 30. Any practitioner of one of the professions regulated by the Board of Medicine who is in good
 316 standing with the applicable regulatory agency in another state or Canada from engaging in the practice
 317 of that profession when the practitioner is in Virginia temporarily with an out-of-state athletic team or
 318 athlete for the duration of the athletic tournament, game, or event in which the team or athlete is
 319 competing;

320 31. Any person from performing state or federally funded health care tasks directed by the consumer,
 321 which are typically self-performed, for an individual who lives in a private residence and who, by
 322 reason of disability, is unable to perform such tasks but who is capable of directing the appropriate
 323 performance of such tasks; or

324 32. Any practitioner of one of the professions regulated by the Board of Medicine who is in good
 325 standing with the applicable regulatory agency in another state from engaging in the practice of that
 326 profession in Virginia with a patient who is being transported to or from a Virginia hospital for care.

327 B. Notwithstanding any provision of law or regulation to the contrary, military medical personnel, as
 328 defined in § 2.2-2001.4, while participating in a program established by the Department of Veterans
 329 Services pursuant to § 2.2-2001.4, may practice under the supervision of a licensed physician or
 330 podiatrist or the chief medical officer of an organization participating in such program, or his designee
 331 who is a licensee of the Board and supervising within his scope of practice.

332 **§ 54.1-2957. Licensure and practice of nurse practitioners.**

333 A. As used in this section:

334 "~~Clinical~~, "clinical experience" means the postgraduate delivery of health care directly to patients
 335 pursuant to a practice agreement with a patient care team physician.

336 B. The Board of Medicine and the Board of Nursing shall jointly prescribe the regulations governing
 337 the licensure of nurse practitioners. It is unlawful for a person to practice as a nurse practitioner in the
 338 Commonwealth unless he holds such a joint license.

339 C. Every nurse practitioner other than a nurse practitioner licensed by the Boards of Medicine and
 340 Nursing as a certified nurse midwife ~~or a~~ certified registered nurse anesthetist, *or clinical nurse*
 341 *specialist* or a nurse practitioner who meets the requirements of subsection I shall maintain appropriate
 342 collaboration and consultation, as evidenced in a written or electronic practice agreement, with at least
 343 one patient care team physician. A nurse practitioner who meets the requirements of subsection I may
 344 practice without a written or electronic practice agreement. A nurse practitioner who is licensed by the
 345 Boards of Medicine and Nursing as a certified nurse midwife shall practice pursuant to subsection H. A
 346 *nurse practitioner who is licensed by the Boards of Medicine and Nursing as a clinical nurse specialist*
 347 *shall practice pursuant to subsection J.* A nurse practitioner who is a certified registered nurse
 348 ~~anesthetists~~ *anesthetist* shall practice under the supervision of a licensed doctor of medicine, osteopathy,
 349 podiatry, or dentistry. A nurse practitioner who is appointed as a medical examiner pursuant to
 350 § 32.1-282 shall practice in collaboration with a licensed doctor of medicine or osteopathic medicine
 351 who has been appointed to serve as a medical examiner pursuant to § 32.1-282. Collaboration and
 352 consultation among nurse practitioners and patient care team physicians may be provided through
 353 telemedicine as described in § 38.2-3418.16.

354 Physicians on patient care teams may require that a nurse practitioner be covered by a professional
 355 liability insurance policy with limits equal to the current limitation on damages set forth in
 356 § 8.01-581.15.

357 Service on a patient care team by a patient care team member shall not, by the existence of such
 358 service alone, establish or create liability for the actions or inactions of other team members.

359 D. The Boards of Medicine and Nursing shall jointly promulgate regulations specifying collaboration
 360 and consultation among physicians and nurse practitioners working as part of patient care teams that
 361 shall include the development of, and periodic review and revision of, a written or electronic practice
 362 agreement; guidelines for availability and ongoing communications that define consultation among the
 363 collaborating parties and the patient; and periodic joint evaluation of the services delivered. Practice
 364 agreements shall include provisions for (i) periodic review of health records, which may include visits to

365 the site where health care is delivered, in the manner and at the frequency determined by the nurse
 366 practitioner and the patient care team physician and (ii) input from appropriate health care providers in
 367 complex clinical cases and patient emergencies and for referrals. Evidence of a practice agreement shall
 368 be maintained by a nurse practitioner and provided to the Boards upon request. For nurse practitioners
 369 providing care to patients within a hospital or health care system, the practice agreement may be
 370 included as part of documents delineating the nurse practitioner's clinical privileges or the electronic or
 371 written delineation of duties and responsibilities in collaboration and consultation with a patient care
 372 team physician.

373 E. The Boards of Medicine and Nursing may issue a license by endorsement to an applicant to
 374 practice as a nurse practitioner if the applicant has been licensed as a nurse practitioner under the laws
 375 of another state and, pursuant to regulations of the Boards, the applicant meets the qualifications for
 376 licensure required of nurse practitioners in the Commonwealth. A nurse practitioner to whom a license is
 377 issued by endorsement may practice without a practice agreement with a patient care team physician
 378 pursuant to subsection I if such application provides an attestation to the Boards that the applicant has
 379 completed the equivalent of at least five years of full-time clinical experience, as determined by the
 380 Boards, in accordance with the laws of the state in which the nurse practitioner was licensed.

381 F. Pending the outcome of the next National Specialty Examination, the Boards may jointly grant
 382 temporary licensure to nurse practitioners.

383 G. In the event a physician who is serving as a patient care team physician dies, becomes disabled,
 384 retires from active practice, surrenders his license or has it suspended or revoked by the Board, or
 385 relocates his practice such that he is no longer able to serve, and a nurse practitioner is unable to enter
 386 into a new practice agreement with another patient care team physician, the nurse practitioner may
 387 continue to practice upon notification to the designee or his alternate of the Boards and receipt of such
 388 notification. Such nurse practitioner may continue to treat patients without a patient care team physician
 389 for an initial period not to exceed 60 days, provided the nurse practitioner continues to prescribe only
 390 those drugs previously authorized by the practice agreement with such physician and to have access to
 391 appropriate input from appropriate health care providers in complex clinical cases and patient
 392 emergencies and for referrals. The designee or his alternate of the Boards shall grant permission for the
 393 nurse practitioner to continue practice under this subsection for another 60 days, provided the nurse
 394 practitioner provides evidence of efforts made to secure another patient care team physician and of
 395 access to physician input.

396 H. Nurse practitioners licensed by the Boards of Medicine and Nursing in the category of certified
 397 nurse midwife shall practice in consultation with a licensed physician in accordance with a practice
 398 agreement between the nurse practitioner and the licensed physician. Such practice agreement shall
 399 address the availability of the physician for routine and urgent consultation on patient care. Evidence of
 400 a practice agreement shall be maintained by a nurse practitioner and provided to the Boards upon
 401 request. The Boards shall jointly promulgate regulations, consistent with the Standards for the Practice
 402 of Midwifery set by the American College of Nurse-Midwives, governing such practice.

403 I. A nurse practitioner, other than a nurse practitioner licensed by the Boards of Medicine and
 404 Nursing in the category of certified nurse midwife or, certified registered nurse anesthetist, *or clinical*
 405 *nurse specialist*, who has completed the equivalent of at least five years of full-time clinical experience
 406 as a licensed nurse practitioner, as determined by the Boards, may practice in the practice category in
 407 which he is certified and licensed without a written or electronic practice agreement upon receipt by the
 408 nurse practitioner of an attestation from the patient care team physician stating (i) that the patient care
 409 team physician has served as a patient care team physician on a patient care team with the nurse
 410 practitioner pursuant to a practice agreement meeting the requirements of this section and
 411 § 54.1-2957.01; (ii) that while a party to such practice agreement, the patient care team physician
 412 routinely practiced with a patient population and in a practice area included within the category for
 413 which the nurse practitioner was certified and licensed; and (iii) the period of time for which the patient
 414 care team physician practiced with the nurse practitioner under such a practice agreement. A copy of
 415 such attestation shall be submitted to the Boards together with a fee established by the Boards. Upon
 416 receipt of such attestation and verification that a nurse practitioner satisfies the requirements of this
 417 subsection, the Boards shall issue to the nurse practitioner a new license that includes a designation
 418 indicating that the nurse practitioner is authorized to practice without a practice agreement. In the event
 419 that a nurse practitioner is unable to obtain the attestation required by this subsection, the Boards may
 420 accept other evidence demonstrating that the applicant has met the requirements of this subsection in
 421 accordance with regulations adopted by the Boards.

422 A nurse practitioner authorized to practice without a practice agreement pursuant to this subsection
 423 shall (a) only practice within the scope of his clinical and professional training and limits of his
 424 knowledge and experience and consistent with the applicable standards of care, (b) consult and
 425 collaborate with other health care providers based on the clinical conditions of the patient to whom

426 health care is provided, and (c) establish a plan for referral of complex medical cases and emergencies
427 to physicians or other appropriate health care providers.

428 A nurse practitioner practicing without a practice agreement pursuant to this subsection shall obtain
429 and maintain coverage by or shall be named insured on a professional liability insurance policy with
430 limits equal to the current limitation on damages set forth in § 8.01-581.15.

431 *J. Nurse practitioners licensed by the Boards of Medicine and Nursing in the category of clinical*
432 *nurse specialist shall practice in consultation with a licensed physician in accordance with a practice*
433 *agreement between the nurse practitioner and the licensed physician. Such practice agreement shall*
434 *address the availability of the physician for routine and urgent consultation on patient care. Evidence of*
435 *a practice agreement shall be maintained by a nurse practitioner and provided to the Boards upon*
436 *request. The Boards shall jointly promulgate regulations governing the practice of clinical nurse*
437 *specialists, which shall be consistent with the Statement on Clinical Nurse Specialist Practice and*
438 *Education set by the National Association of Clinical Nurse Specialists.*

439 **§ 54.1-2957.01. Prescription of certain controlled substances and devices by licensed nurse**
440 **practitioners.**

441 A. In accordance with the provisions of this section and pursuant to the requirements of Chapter 33
442 (§ 54.1-3300 et seq.), a licensed nurse practitioner shall have the authority to prescribe Schedule II
443 through Schedule VI controlled substances and devices as set forth in Chapter 34 (§ 54.1-3400 et seq.).

444 B. A nurse practitioner who does not meet the requirements for practice without a written or
445 electronic practice agreement set forth in subsection I of § 54.1-2957 shall prescribe controlled
446 substances or devices only if such prescribing is authorized by a written or electronic practice agreement
447 entered into by the nurse practitioner and a patient care team physician. Such nurse practitioner shall
448 provide to the Boards of Medicine and Nursing such evidence as the Boards may jointly require that the
449 nurse practitioner has entered into and is, at the time of writing a prescription, a party to a written or
450 electronic practice agreement with a patient care team physician that clearly states the prescriptive
451 practices of the nurse practitioner. Such written or electronic practice agreements shall include the
452 controlled substances the nurse practitioner is or is not authorized to prescribe and may restrict such
453 prescriptive authority as described in the practice agreement. Evidence of a practice agreement shall be
454 maintained by a nurse practitioner pursuant to § 54.1-2957. Practice agreements authorizing a nurse
455 practitioner to prescribe controlled substances or devices pursuant to this section either shall be signed
456 by the patient care team physician or shall clearly state the name of the patient care team physician who
457 has entered into the practice agreement with the nurse practitioner.

458 It shall be unlawful for a nurse practitioner to prescribe controlled substances or devices pursuant to
459 this section unless (i) such prescription is authorized by the written or electronic practice agreement or
460 (ii) the nurse practitioner is authorized to practice without a written or electronic practice agreement
461 pursuant to subsection I of § 54.1-2957.

462 C. The Boards of Medicine and Nursing shall promulgate regulations governing the prescriptive
463 authority of nurse practitioners as are deemed reasonable and necessary to ensure an appropriate
464 standard of care for patients. Such regulations shall include requirements as may be necessary to ensure
465 continued nurse practitioner competency, which may include continuing education, testing, or any other
466 requirement, and shall address the need to promote ethical practice, an appropriate standard of care,
467 patient safety, the use of new pharmaceuticals, and appropriate communication with patients.

468 D. This section shall not limit the functions and procedures of certified registered nurse anesthetists
469 or of any nurse practitioners which are otherwise authorized by law or regulation.

470 E. The following restrictions shall apply to any nurse practitioner authorized to prescribe drugs and
471 devices pursuant to this section:

472 1. The nurse practitioner shall disclose to the patient at the initial encounter that he is a licensed
473 nurse practitioner. Any party to a practice agreement shall disclose, upon request of a patient or his legal
474 representative, the name of the patient care team physician and information regarding how to contact the
475 patient care team physician.

476 2. Physicians shall not serve as a patient care team physician on a patient care team at any one time
477 to more than six nurse practitioners.

478 F. This section shall not prohibit a licensed nurse practitioner from administering controlled
479 substances in compliance with the definition of "administer" in § 54.1-3401 or from receiving and
480 dispensing manufacturers' professional samples of controlled substances in compliance with the
481 provisions of this section.

482 G. Notwithstanding any provision of law or regulation to the contrary, a nurse practitioner licensed
483 by the Boards of Medicine and Nursing in the category of certified nurse midwife *or clinical nurse*
484 *specialist* and holding a license for prescriptive authority may prescribe (i) Schedules II through V
485 controlled substances in accordance with any prescriptive authority included in a practice agreement with
486 a licensed physician pursuant to subsection H *or J* of § 54.1-2957 and (ii) Schedule VI controlled
487 substances without the requirement for inclusion of such prescriptive authority in a practice agreement.

488 H. Notwithstanding any provision of law or regulation to the contrary, a nurse practitioner licensed
 489 by the Boards of Medicine and Nursing as a certified registered nurse anesthetist shall have the authority
 490 to prescribe Schedule II through Schedule VI controlled substances and devices in accordance with the
 491 requirements for practice set forth in subsection C of § 54.1-2957 to a patient requiring anesthesia, as
 492 part of the periprocedural care of such patient. As used in this subsection, "periprocedural" means the
 493 period beginning prior to a procedure and ending at the time the patient is discharged.

494 **§ 54.1-3000. Definitions.**

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

496 "Advanced practice registered nurse" means a registered nurse who has completed an advanced
 497 graduate-level education program in a specialty category of nursing and has passed a national certifying
 498 examination for that specialty.

499 "Board" means the Board of Nursing.

500 "Certified nurse aide" means a person who meets the qualifications specified in this article and who
 501 is currently certified by the Board.

502 "~~Clinical nurse specialist" means an advanced practice registered nurse who meets the requirements~~
 503 ~~set forth in § 54.1-3018.1 and who is currently registered by the Board. Such a person shall be~~
 504 ~~recognized as being able to provide advanced services according to the specialized training received~~
 505 ~~from a program satisfactory to the Board, but shall not be entitled to perform any act that is not within~~
 506 ~~the scope of practice of professional nursing.~~

507 "Massage therapist" means a person who meets the qualifications specified in this chapter and who is
 508 currently licensed by the Board.

509 "Massage therapy" means the treatment of soft tissues for therapeutic purposes by the application of
 510 massage and bodywork techniques based on the manipulation or application of pressure to the muscular
 511 structure or soft tissues of the human body. The term "massage therapy" does not include the diagnosis
 512 or treatment of illness or disease or any service or procedure for which a license to practice medicine,
 513 nursing, midwifery, chiropractic, physical therapy, occupational therapy, acupuncture, athletic training, or
 514 podiatry is required by law or any service described in subdivision A 18 of § 54.1-3001.

515 "Massage therapy" shall not include manipulation of the spine or joints.

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

518 "Practical nurse" or "licensed practical nurse" means a person who is licensed or holds a multistate
 519 licensure privilege under the provisions of this chapter to practice practical nursing as defined in this
 520 section. Such a licensee shall be empowered to provide nursing services without compensation. The
 521 abbreviation "L.P.N." shall stand for such terms.

522 "Practical nursing" or "licensed practical nursing" means the performance for compensation of
 523 selected nursing acts in the care of individuals or groups who are ill, injured, or experiencing changes in
 524 normal health processes; in the maintenance of health; in the prevention of illness or disease; or, subject
 525 to such regulations as the Board may promulgate, in the teaching of those who are or will be nurse
 526 aides. Practical nursing or licensed practical nursing requires knowledge, judgment and skill in nursing
 527 procedures gained through prescribed education. Practical nursing or licensed practical nursing is
 528 performed under the direction or supervision of a licensed medical practitioner, a professional nurse,
 529 registered nurse or registered professional nurse or other licensed health professional authorized by
 530 regulations of the Board.

531 "Practice of a nurse aide" or "nurse aide practice" means the performance of services requiring the
 532 education, training, and skills specified in this chapter for certification as a nurse aide. Such services are
 533 performed under the supervision of a dentist, physician, podiatrist, professional nurse, licensed practical
 534 nurse, or other licensed health care professional acting within the scope of the requirements of his
 535 profession.

536 "Professional nurse," "registered nurse" or "registered professional nurse" means a person who is
 537 licensed or holds a multistate licensure privilege under the provisions of this chapter to practice
 538 professional nursing as defined in this section. Such a licensee shall be empowered to provide
 539 professional services without compensation, to promote health and to teach health to individuals and
 540 groups. The abbreviation "R.N." shall stand for such terms.

541 "Professional nursing," "registered nursing" or "registered professional nursing" means the
 542 performance for compensation of any nursing acts in the observation, care and counsel of individuals or
 543 groups who are ill, injured or experiencing changes in normal health processes or the maintenance of
 544 health; in the prevention of illness or disease; in the supervision and teaching of those who are or will
 545 be involved in nursing care; in the delegation of selected nursing tasks and procedures to appropriately
 546 trained unlicensed persons as determined by the Board; or in the administration of medications and
 547 treatments as prescribed by any person authorized by law to prescribe such medications and treatment.
 548 Professional nursing, registered nursing and registered professional nursing require specialized education,

549 judgment, and skill based upon knowledge and application of principles from the biological, physical,
550 social, behavioral and nursing sciences.

551 **2. That § 54.1-3018.1 of the Code of Virginia is repealed.**

552 **3. That the Boards of Medicine and Nursing shall jointly issue a license to practice as a nurse**
553 **practitioner in the category of clinical nurse specialist to an applicant who is an advance practice**
554 **registered nurse who has completed an advanced graduate-level education program in the specialty**
555 **category of clinical nurse specialist and who is registered by the Board of Nursing as a clinical**
556 **nurse specialist on July 1, 2021.**