

LD6492673

SENATE BILL NO. 1000

Offered January 23, 1995

A BILL to amend and reenact §§ 54.1-2900, as it is currently effective and as it may become effective, 54.1-2954, 54.1-2954.1, 54.1-2955, and 54.1-2956 of the Code of Virginia, relating to respiratory care practitioners.

Patrons—Holland, C.A., Barry, Bell, Houck, Lambert, Lucas, Potts and Schewel

Referred to the Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2900, as it is currently effective and as it may become effective, 54.1-2954, 54.1-2954.1, 54.1-2955, and 54.1-2956 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-2900. (Effective until January 1, 1997) Definitions.

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

"Acupuncturist" means individuals approved by the Board to practice acupuncture. This is limited to "licensed acupuncturist" which means an individual other than a doctor of medicine, osteopathy or podiatry, who has successfully completed the requirements for licensure established by the Board (approved titles are limited to: Licensed Acupuncturist, Lic.Ac., L.Ac.) and "physician acupuncturist" which means doctors of medicine, osteopathy and podiatry who have fulfilled the physician requirements for licensure to practice acupuncture established by the Board.

"Board" means the Board of Medicine.

"Certified optometrist" means an optometrist who is licensed under Chapter 32 of this title and who has successfully completed the requirements for certification established by the Board of Medicine. Such certification shall enable an optometrist to treat certain diseases, including abnormal conditions, of the human eye and its adnexa, as specified by the Board of Medicine, with certain therapeutic pharmaceutical agents specified by the Board. However, such certification shall not permit treatment through surgery or other invasive modalities.

"Clinical psychologist" means a psychologist who is competent in the diagnosis, prevention, treatment and amelioration of psychological problems, behavioral or emotional disorders or conditions or mental conditions, by the application of psychological principles, psychological methods, or psychological procedures, including but not limited to psychological assessment and evaluation and psychotherapy, which does not amount to the practice of medicine. This definition shall not be construed to limit or restrict any person licensed by a health regulatory board as defined in § 54.1-2500 from rendering services which he is licensed to provide.

"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.

"Practice of acupuncture" means the stimulation of certain points on or near the surface of the body by the insertion of needles to prevent or modify the perception of pain or to normalize physiological functions, including pain control, for the treatment of certain ailments or conditions of the body and includes the techniques of electroacupuncture, cupping and moxabustion. The practice of acupuncture does not include the use of physical therapy, chiropractic, osteopathic manipulative techniques nor the use or prescribing of any drugs, medications, herbal preparations, nutritional supplements, serums or vaccines.

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

"Practice of clinical psychology" means the offering by an individual of his services to the public as a clinical psychologist.

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

"Practice of physical therapy" means, upon medical referral and direction, the evaluation, testing, treatment, reeducation and rehabilitation by physical, mechanical or electronic measures and procedures of individuals who, because of trauma, disease or birth defect, present physical and emotional disorders, but does not include the use of Roentgen rays and radium for diagnostic or therapeutic purposes or the use of electricity for shock therapy and surgical purposes including cauterization.

"Practice of podiatry" means the medical, mechanical and surgical treatment of the ailments of the

60 human foot and ankle, but does not include amputation proximal to the metatarsal-phalangeal joints. The
61 Board of Medicine shall determine whether a specific type of treatment of the foot and ankle is within
62 the scope of practice of podiatry.

63 *"Practice of respiratory care" means the application of diagnostic testing and therapeutic care of*
64 *patients with deficiencies and abnormalities associated with the cardiopulmonary system.*

65 *"Respiratory care practitioner" means an individual who performs pharmacological, diagnostic, and*
66 *therapeutic procedures related to the practice of respiratory care.*

67 § 54.1-2900. (Effective January 1, 1997) Definitions.

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

69 "Acupuncturist" means individuals approved by the Board to practice acupuncture. This is limited to
70 "licensed acupuncturist" which means an individual other than a doctor of medicine, osteopathy or
71 podiatry, who has successfully completed the requirements for licensure established by the Board
72 (approved titles are limited to: Licensed Acupuncturist, Lic.Ac., L.Ac.) and "physician acupuncturist"
73 which means doctors of medicine, osteopathy and podiatry who have fulfilled the physician requirements
74 for licensure to practice acupuncture established by the Board.

75 "Board" means the Board of Medicine.

76 "Certified optometrist" means an optometrist who is licensed under Chapter 32 (§ 54.1-3200 et seq.)
77 of this title and who has successfully completed the requirements for certification established by the
78 Board of Medicine. Such certification shall enable an optometrist to treat certain diseases, including
79 abnormal conditions, of the human eye and its adnexa, as specified by the Board of Medicine, with
80 certain therapeutic pharmaceutical agents specified by the Board. However, such certification shall not
81 permit treatment through surgery or other invasive modalities.

82 "Clinical psychologist" means a psychologist who is competent in the diagnosis, prevention, treatment
83 and amelioration of psychological problems, behavioral or emotional disorders or conditions or mental
84 conditions, by the application of psychological principles, psychological methods, or psychological
85 procedures, including but not limited to psychological assessment and evaluation and psychotherapy,
86 which does not amount to the practice of medicine. This definition shall not be construed to limit or
87 restrict any person licensed by a health regulatory board as defined in § 54.1-2500 from rendering
88 services which he is licensed to provide.

89 "Healing arts" means the arts and sciences dealing with the prevention, diagnosis, treatment and cure
90 or alleviation of human physical or mental ailments, conditions, diseases, pain or infirmities.

91 "Practice of acupuncture" means the stimulation of certain points on or near the surface of the body
92 by the insertion of needles to prevent or modify the perception of pain or to normalize physiological
93 functions, including pain control, for the treatment of certain ailments or conditions of the body and
94 includes the techniques of electroacupuncture, cupping and moxabustion. The practice of acupuncture
95 does not include the use of physical therapy, chiropractic, osteopathic manipulative techniques nor the
96 use or prescribing of any drugs, medications, herbal preparations, nutritional supplements, serums or
97 vaccines.

98 "Practice of chiropractic" means the adjustment of the twenty-four movable vertebrae of the spinal
99 column, and assisting nature for the purpose of normalizing the transmission of nerve energy, but does
100 not include the use of surgery, obstetrics, osteopathy or the administration or prescribing of any drugs,
101 medicines, serums or vaccines.

102 "Practice of clinical psychology" means the offering by an individual of his services to the public as
103 a clinical psychologist.

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

106 "Practice of physical therapy" means, upon medical referral and direction, the evaluation, testing,
107 treatment, reeducation and rehabilitation by physical, mechanical or electronic measures and procedures
108 of individuals who, because of trauma, disease or birth defect, present physical and emotional disorders,
109 but does not include the use of Roentgen rays and radium for diagnostic or therapeutic purposes or the
110 use of electricity for shock therapy and surgical purposes including cauterization.

111 "Practice of podiatry" means the medical, mechanical and surgical treatment of the ailments of the
112 human foot and ankle, but does not include amputation proximal to the metatarsal-phalangeal joints. The
113 Board of Medicine shall determine whether a specific type of treatment of the foot and ankle is within
114 the scope of practice of podiatry.

115 "Practice of radiologic technology" means the application of x-rays to human beings for diagnostic or
116 therapeutic purposes.

117 *"Practice of respiratory care" means the application of diagnostic testing and therapeutic care of*
118 *patients with deficiencies and abnormalities associated with the cardiopulmonary system.*

119 "Radiologic technologist" means an individual, other than a licensed doctor of medicine, osteopathy,
120 podiatry, or chiropractic, or a dentist licensed pursuant to Chapter 27 (§ 54.1-2700 et seq.) of this title,
121 who (i) performs, may be called upon to perform, or who is licensed to perform a comprehensive scope

of diagnostic radiologic procedures employing equipment which emits ionizing radiation and (ii) is delegated or exercises responsibility for the operation of radiation-generating equipment, the shielding of patient and staff from unnecessary radiation, the appropriate exposure of radiographs or other procedures which contribute to any significant extent to the site or dosage of ionizing radiation to which a patient is exposed.

"Radiologic technologist, limited" means an individual, other than a licensed radiologic technologist, dental hygienist or who is otherwise authorized by the Board of Dentistry under Chapter 27 of this title and the regulations pursuant thereto, who performs diagnostic radiographic procedures employing equipment which emits ionizing radiation which is limited to specific areas of the human body.

"Respiratory care practitioner" means an individual who performs pharmacological, diagnostic, and therapeutic procedures related to the practice of respiratory care.

§ 54.1-2954. Respiratory care practitioner; definition.

"~~Certified respiratory therapy~~ *Respiratory care practitioner*" means a person who has passed the certification examination for the entry level practice of respiratory therapy administered by the National Board for Respiratory Care, Inc., or other examination approved by the Board, who has complied with the regulations pertaining to ~~certification~~ *licensure* prescribed by the Board, and who has been issued a ~~certificate~~ *license* by the Board.

§ 54.1-2954.1. Powers of Board concerning respiratory care.

The Board shall be empowered to take such actions as may be necessary to ensure the competence and integrity of any person who claims to be a respiratory ~~therapy care~~ *care* practitioner or who holds himself out to the public as a respiratory ~~therapy care~~ *care* practitioner and to that end it may ~~certify~~ *license* persons as respiratory ~~therapy care~~ *care* practitioners.

§ 54.1-2955. Unlawful to practice respiratory care without a license; unlawful designation.

It shall be unlawful for any person ~~not holding a current and valid certificate from the State Board of Medicine to claim to be a to practice respiratory therapy practitioner or to assume the title care unless licensed by the Board of Medicine. It shall also be illegal for any person not holding a current and valid license from the Board to use, in conjunction with his name, the letters or words "RCP," or "Respiratory Therapist Care Practitioner," "Respiratory Therapist, Registered," "Certified Respiratory Therapist," "Respiratory Therapist Practitioner," "Respiratory Practitioner," or "Certified Respiratory Therapy Practitioner," or any similar term or to assume the designations "R.T.," "R.T.R.," "C.R.T.," "R.T.P.," "R.P.," or "C.R.T.P."~~ However, a person who has graduated from a duly accredited educational program in respiratory therapy shall be exempt from the preceding prohibition until he has taken and received the results of an examination required by the Board or until one year from the date of graduation, whichever occurs sooner. This section shall not be construed to prohibit any person from claiming to practice respiratory ~~therapy care~~ *care* using the title "Respiratory Therapy Assistant, R.T.A." or other titles licensed or ~~certified~~ by the Commonwealth.

§ 54.1-2956. Advisory Board on Respiratory Therapy; appointment; terms; duties; etc.

A. The Advisory Board on Respiratory Therapy shall assist the Board in carrying out the provisions of this chapter regarding the qualifications, examination, registration and regulation of ~~certified~~ *respiratory therapy care* practitioners.

The Advisory Board shall consist of five members appointed by the Governor for four-year terms. Three members shall be at the time of appointment respiratory ~~therapy care~~ *care* practitioners who have practiced for not less than three years, one member shall be a physician licensed to practice medicine in the Commonwealth, and one member shall be appointed by the Governor from the Commonwealth at large.

Vacancies occurring other than by expiration of term shall be filled for the unexpired term. No person shall be eligible to serve on the Advisory Board for more than two consecutive terms.

B. The Advisory Board shall, under the authority of the Board, recommend to the Board for its ~~enactment into regulation promulgation as regulations~~ the criteria for ~~certification~~ *licensure* as a respiratory ~~therapy care~~ *care* practitioner and the standards of professional conduct for holders of ~~certificates~~ *such licenses*.

The Advisory Board shall also assist in such other matters dealing with respiratory ~~therapy care~~ *care* as the Board may in its discretion direct.